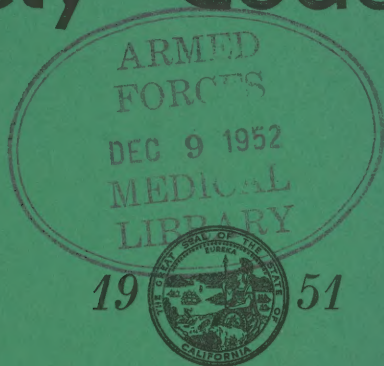


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# Health and Safety Code



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## FOREWORD

This is a compilation of the latest amended form of the Health and Safety Code.

*Effective Date.* This edition shows all sections as they are in effect on and after September 22, 1951, the effective date of the statutes enacted by the 1951 Regular Session.

The effective date of the statutes enacted at the 1950 First Extraordinary Session is July 15, 1950; at the 1950 Third Extraordinary Session, December 26, 1950.

When any section has an effective date earlier or later than the ninety-first day after final adjournment of the Legislature affecting it, the section carries a note expressing that effect.

No sections of the code were affected at the 1950 Regular Session or the 1950 Second Extraordinary Session.

*Cross-reference Tables.* Tables of cross-reference indicating the origin of each section of the Health and Safety Code as originally enacted and indicating the disposition of former statutes in the code appear at pages 3345 to 3405 of the Statutes and Amendments to the Codes for 1939.

Tables of cross-reference indicating the origin of each section of Division 15 (as added by Statutes of 1947, Chapter 199) and indicating the disposition of former statutes in the division appear at pages 3920 and 3921 of the Statutes and Amendments to the Codes for 1947.

Tables of cross-reference indicating the origin of each section of Division 5, Part 3, Ch. 9 (as added by Stats. 1951, Ch. 439) and each section of Division 24 (as added by Stats. 1951, Ch. 710) and indicating the disposition of former statutes in the chapter and the division appear at pages 4811 to 4822 of the Statutes and Amendments to the Codes for 1951.



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# STATE OF CALIFORNIA

## HEALTH AND SAFETY CODE

[CHAPTER 60, STATUTES OF 1939]

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*An act to establish a Health and Safety Code, thereby consolidating and revising the law relating to the preservation of the public health and safety, including the health and safety of persons, the custody and disposition of dead bodies, the safety and protection of property; and matters incidental thereto, and to repeal certain acts or parts of acts specified herein.*

[Approved by Governor April 7, 1939. In effect September 19, 1939.]

*The people of the State of California do enact as follows:*

### GENERAL PROVISIONS

1. This act shall be known as the Health and Safety Code. Title
2. The provisions of this code in so far as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations, and not as new enactments. Continuation of existing law
3. All persons who, at the time this code takes effect, hold office under any of the acts repealed by this code, which offices are continued by this code, continue to hold them according to their former tenure. Tenure
4. Any action or proceeding commenced before this code takes effect, and any right accrued, is not affected by this code, but all procedure thereafter taken therein shall conform to the provisions of this code as far as possible. Pending proceedings
5. Unless the provision or the context otherwise requires these definitions, rules of construction, and general provisions shall govern the construction of this code. Construction
6. Division, part, chapter, article, and section headings do not in any manner affect the scope, meaning, or intent of the provisions of this code. Headings
7. Whenever a power is granted to, or a duty is imposed upon, a public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized, pursuant to law, by the officer, unless this code expressly provides otherwise. Delegation of power

- Writings** 8. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise.
- Reference to statutes** 9. Whenever reference is made to any portion of this code or of any other law of this State, the reference applies to all amendments and additions now or hereafter made.
- "Section"** 10. "Section" means a section of this code unless some other statute is specifically mentioned. Subdivision means a subdivision of the section in which that term occurs unless some other section is expressly mentioned.
- Tense** 11. The present tense includes the past and future tenses; and the future, the present.
- Gender** 12. The masculine gender includes the feminine and neuter.
- Number** 13. The singular number includes the plural, and the plural the singular.
- "County"** 14. "County" includes city and county.
- Giving notice** 15. Unless expressly otherwise provided, any notice required to be given to any person by any provision of this code may be given by mailing notice, postage prepaid, addressed to the person to be notified, at his residence or principal place of business in this State. The affidavit of the person who mails the notice, stating the facts of such mailing, is prima facie evidence that the notice was thus mailed.
- "Shall" and "may"** 16. "Shall" is mandatory and "may" is permissive.
- "Oath"** 17. "Oath" includes affirmation.
- "Signature" and "subscription"** 18. "Signature" or "subscription" includes mark when the signer or subscriber can not write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.
- "Person"** 19. "Person" means any person, firm, association, organization, partnership, business trust, corporation, or company.
- "State department"** 20. "State department" means "State Department of Public Health."
- "Director"** 21. "Director" means "Director of Public Health."
- "Board"** 22. "Board" means "State Board of Public Health."
- "State"** 23. "State" means the State of California, unless applied to the different parts of the United States. In the latter case, it includes the District of Columbia and the Territories.
- Constitutionality** 24. If any provision of this code, or the application thereof to any person or circumstance, is held invalid, the remainder of the code, or the application of such provision to other persons or circumstances, shall not be affected thereby.

## DIVISION 1. ADMINISTRATION OF PUBLIC HEALTH

### PART 1. STATE DEPARTMENT OF PUBLIC HEALTH

#### CHAPTER 1. ORGANIZATION

100. There is in the State Government a State Department Department  
of Public Health.

101. The department shall consist of the State Board of Board  
Public Health, the State Director of Public Health and such  
divisions as are or may be necessary for the prevention of  
disease, the prolongation of life and the promotion of the physi-  
cal health and mental efficiency of the people of the State.

(Amended by Stats. 1943, Ch. 1061.)

102. The State Board of Public Health consists of the Direc- Members  
tor of Public Health and seven other members. The board shall  
advise the director in the performance of his duties and formu-  
late general policies affecting public health. It shall have power  
to adopt, promulgate, repeal and amend rules and regulations  
consistent with law for the protection of the public health. It  
shall issue licenses and permits as prescribed by law and by rules  
and regulations of the board. It may hold hearings and  
subpena witnesses and documents pursuant to Section 353 of  
the Political Code. The board shall have no administrative or  
executive functions other than those set forth in this code.

(Amended by Stats. 1943, Ch. 1061.)

103. The members of the board, other than the director, Appointment  
and terms  
shall be appointed by the Governor for a term of four years  
and shall hold office until the appointment and qualification  
of their successors. The terms of the members of the board in  
office when this code takes effect shall expire as follows: Two  
members, January 15, 1940; two members, including the den-  
tist, January 15, 1941; two members, January 15, 1942; one  
member, January 15, 1943. The terms shall expire in the  
same relative order as to each member as the term for which  
he holds office before this code takes effect.

Vacancies shall be filled by appointment for the unexpired Vacancies  
term.

104. One member of the board shall be a duly licensed and Qualifi-  
cations  
practicing dentist of the State. Six other members shall be  
duly licensed and practicing physicians of the State.

(Amended by Stats. 1943, Ch. 1061.)

105. The members of the board, other than the director, Compensation  
shall receive no compensation for their services, but shall be  
allowed their actual necessary traveling expenses incurred in  
the discharge of their duties.

106. The director is the executive officer of the department. Director:  
Duties  
He shall administer the laws and regulations of the board per-  
taining to public health and shall vigilantly observe sanitary  
and public health conditions throughout the State and shall take  
all necessary precautions to protect it in its sanitary and public  
health relations with other States and countries. He shall per-  
form such other duties as may be prescribed by law, and such



other administrative and executive duties as have by other provisions of law been imposed upon the board.

(Amended by Stats. 1943, Ch. 1061.)

Qualifications

107. The director shall hold the degree of doctor of medicine from an approved medical college and shall be eligible to license to practice in the State of California. He shall have had in addition at least one year's post graduate training in a school of public health approved by the State Board of Public Health, and a minimum of five years' practical experience as an administrative officer in a well organized health department.

(Amended by Stats. 1941, Ch. 835, and by Stats. 1943, Ch. 1061.)

Term

107.5. The director shall be appointed by the Governor for a term of four years and shall hold office until the appointment and qualification of his successor. The term of the director in office when this section takes effect shall expire January 1, 1944. The Governor may remove the director for misconduct, incompetency, or neglect of duty, after an opportunity to be heard on written charges. A vacancy shall be filled by appointment for the unexpired term. The director shall receive the annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code and necessary expenses incurred in the performance of his duties.

Removal

Vacancy

Salary

(Added by Stats. 1943, Ch. 1061; amended by Stats. 1947, Ch. 1442, by Stats. 1949, Ch. 1005, and by Stats. 1951, Ch. 1613.)

Official bond

108. Before entering upon the duties of his office, the director shall execute an official bond to the State in the penal sum of ten thousand dollars (\$10,000), conditioned upon the faithful performance of his duties.

Duties: Time

109. The director shall devote his entire time to the duties of his office.

Appointment of employees

110. Subject to the State Civil Service Act the director shall appoint such assistants, deputies, agents, experts and other employees as are necessary for the administration of the affairs of the department, shall prescribe their duties, and fix their salaries subject to the approval of the Department of Finance, and shall require them to execute to the State such official bonds as may be required.

(Amended by Stats. 1943, Ch. 1061.)

111. (Repealed by Stats. 1943, Ch. 1061.)

Records and report

112. The director shall keep or cause to be kept an accurate record of the proceedings of the State department and shall file a written report of them at each regular meeting of the board.

Departmental organization

113. Notwithstanding anything in this code as enacted, the director may, subject to the approval of the Governor, create such divisions and subdivisions of the State department as may be necessary and may consolidate, divide, or abolish them from time to time.

(Amended by Stats. 1943, Ch. 1061.)

Conduct of department

114. Except as otherwise in this code prescribed, the provisions of Article 2 of Chapter 3 of Title 1 of Part 3 of

the Political Code as it may be added to or amended shall apply to the conduct of the State department in every respect the same as if such provisions were set forth at length in this code.

115. (Added by Stats. 1941, Ch. 1092; amended by Stats. 1943, Ch. 1092; repealed by Stats. 1951, Ch. 1261, effective June 30, 1951; operative July 1, 1951.)

116. With the approval of the Department of Finance, and <sup>Gifts</sup> for use in the furtherance of the work of the State Department of Public Health, the director may accept (a) grants of interest in real property, and (b) gifts of money from public agencies or from organizations or associations organized for scientific, educational or charitable purposes.

(Added by Stats. 1945, Ch. 956.)

117. The Public Health Federal Fund in the State Treasury is hereby created. All grants of money received by this State from the United States, the expenditure of which is administered through or under the direction of the State Department of Public Health, shall, on order of the State Controller, be deposited in the Public Health Federal Fund. <sup>Public Health Federal Fund</sup>

(Added by Stats. 1951, Ch. 1261, effective June 30, 1951; operative July 1, 1951.)

NOTE—Stats. 1951, Ch. 1261 also contained the following provisions:

SEC. 9. Upon authorization of the State Department of Public Health and the Department of Finance pursuant to Section 28452 of the Health and Safety Code, that portion of the amount transferred to the General Fund under the provisions of subdivision (b) of Section 10 of this act that represents the unexpended balance of cash deposits paid to the State under Section 28452 of the Health and Safety Code, and not yet determined to be due the State or to be refundable to the depositor, shall, on order of the State Controller, be transferred to the Special Deposit Fund, subject to the provisions of said Section 28452.

SEC. 10. All money in the Department of Public Health Fund on July 1, 1951, shall be disposed of as follows:

(a) All money in the Department of Public Health Fund that was derived from money appropriated by the State from the General Fund for the support of the State Department of Public Health or of any division, bureau, or organization unit thereof, or the expenditure of which is administered through or under the direction of the State Department of Public Health, and transferred to the Department of Public Health Fund prior to July 1, 1951, under the provisions of subdivision (c) of Section 115 of the Health and Safety Code, shall, on order of the State Controller, be transferred from the Department of Public Health Fund to the General Fund, and shall be credited to the appropriation in the latter fund from which such money was originally derived. The unexpended balance of each such General Fund appropriation shall continue to be available for expenditure for the purposes for which such appropriation was made, and shall be subject to all of the provisions of the act making such appropriation with respect thereto.

(b) All money in the Department of Public Health Fund that was derived from money received by the State under the provisions of Chapter 8 of Division 21 of the Health and Safety Code, or under the provisions of Chapter 428 of the Statutes of 1925, as amended, and deposited in the Department of Public Health Fund under the provisions of Section 2 of Chapter 1092 of the Statutes of 1941, shall, on order of the State Controller, be transferred from the Department of Public Health Fund to the General Fund, and shall be available for expenditure therefrom for the same purposes, and subject to the same conditions, limitations, and restrictions, for which it was available for expenditure from the Department of Public Health Fund prior to such transfer.

An amount equal to the unexpended balance of each appropriation made from the Department of Public Health Fund prior to July 1, 1951, that is

available by law for the payment of expenses incurred by the State Department of Public Health in enforcing the provisions of Chapter 8 of Division 21 of the Health and Safety Code, is hereby appropriated from the General Fund for expenditure for the same purposes, and subject to the same periods of availability, as each such appropriation originally made from the Department of Public Health Fund.

(c) All money in the Department of Public Health Fund that was derived from grants of money received by the State from the United States, the expenditure of which is administered through or under the direction of the State Department of Public Health, shall, on order of the State Controller, be transferred from the Department of Public Health Fund to the Public Health Federal Fund, and shall be available for expenditure from the latter fund, without regard to fiscal years, for the purposes for which it is made available by the United States.

(d) All money in the Department of Public Health Fund that was derived from grants or donations from sources other than the United States, the expenditure of which is administered through or under the direction of the State Department of Public Health, shall, on order of the State Controller, be transferred from the Department of Public Health Fund to the Special Deposit Fund, and shall be credited to the appropriate account in the latter fund, as provided by Section 121 of the Health and Safety Code. The amount so transferred shall be available, without regard to fiscal years, for expenditure from the Special Deposit Fund for the purposes for which it was made available under the terms and conditions of the grant or donation.

(e) All other money in the Department of Public Health Fund the disposition of which is not otherwise provided by law, shall, on order, of the State Controller, be transferred from the Department of Public Health Fund to the General Fund.

SEC. 11. The Board of Control shall provide for the transfer of the appropriation made by Item 232, Section 2 of the Budget Act of 1951 from the Department of Public Health Fund to the General Fund in accordance with Section 28 of the Budget Act of 1951.

Continuous  
appropriation

118. All money in the Public Health Federal Fund is hereby appropriated to the State Department of Public Health, without regard to fiscal years, for expenditure for the purposes for which the money deposited therein is made available by the United States for expenditure by the State.

(Added by Stats. 1951, Ch. 1261. Effective June 30, 1951; operative July 1, 1951. See note following Section 117.)

Records of  
deposits, etc.

119. The State Department of Public Health and the State Controller shall keep a record of the classes and sources of income deposited in, or transferred to, the Public Health Federal Fund, and of the disbursements and transfers therefrom.

(Added by Stats. 1951, Ch. 1261. Effective June 30, 1951; operative July 1, 1951. See note following Section 117.)

General plan  
of admin-  
istration

120. The Director of Finance and the State Controller may approve any general plan whereby:

(a) Any expenditures which are a proper charge against the money made available by the United States and deposited in the Public Health Federal Fund may be paid in the first instance from any appropriation from the General Fund, expenditures from which are administered through or under the direction of the State Department of Public Health, and

(b) Any expenditures which are a proper charge against an appropriation from any special fund in the State Treasury, expenditures from which are administered through or under the direction of the State Department of Public Health, may be paid in the first instance from any appropriation from the Gen-



eral Fund, expenditures from which are administered through or under the direction of said department, and

(c) The General Fund shall be reimbursed for expenditures made therefrom that are a proper charge against the Public Health Federal Fund or against any appropriation from any special fund.

Such a general plan may provide for advance transfers from the Public Health Federal Fund to the General Fund, based on estimates of such expenditures that will be subject to reimbursement from the Public Health Federal Fund pursuant to such plan, and may provide for reimbursements to the Public Health Federal Fund, when necessary.

Request for reimbursement or transfer pursuant to such a plan shall be furnished to the State Controller in writing by the State Department of Public Health, accompanied by such financial statements as the plan may provide; and on order of the State Controller, the required amount shall be transferred in accordance therewith.

(Added by Stats. 1951, Ch. 1261. Effective June 30, 1951; operative July 1, 1951. See note following Section 117.)

121. All grants or donations of money received by the State from sources other than the United States, the expenditure of which is administered through or under the direction of the State Department of Public Health, shall, on order of the State Controller, be deposited in the Special Deposit Fund, subject to the provisions of Article 2 of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code. The State Controller shall designate, by name, separate accounts within the Special Deposit Fund covering the accountability for each class of grant or donation deposited under the provisions of this section; and the State Department of Public Health and the State Controller shall keep a record of the classes and sources of income deposited in, or transferred to, each of such accounts in the Special Deposit Fund, and of the disbursements therefrom.

Special  
Deposit  
Fund

All moneys deposited in the Special Deposit Fund under the provisions of this section shall be available, without regard to fiscal years, for expenditure for the purposes for which such money was made available to the State.

(Added by Stats. 1951, Ch. 1261. Effective June 30, 1951; operative July 1, 1951. See note following Section 117.)

## CHAPTER 2. POWERS AND DUTIES

### Article 1. General Powers

200. The State Department of Public Health shall examine into the causes of communicable disease in man and domestic animals occurring or likely to occur in this State.

Causes of  
communi-  
cable  
disease:  
Examination  
Investigation

201. It shall cause special investigation of the preparation and sale of drugs and food and their adulteration.

(Amended by Stats. 1941, Ch. 186.)

202. It shall perform such duties as are required by law for the detection and prevention of the adulteration of articles used for food and drink, and for the punishment of persons guilty of violation of any law providing against their adulteration.

Adulterated  
food: Detec-  
tion and  
prevention

Water and ice sources: Examination	203. It shall examine and may prevent the pollution of sources of public domestic water and ice supply.
Serums: Distribution	204. It may prepare or purchase, and distribute at cost, antitoxins, vaccine, and other approved serums and lymphs.
Actions and proceedings	205. It may commence and maintain all proper and necessary actions and proceedings for any or all of the following purposes: (a) To enforce its rules and regulations. (b) To enjoin and abate nuisances dangerous to health. (c) To compel the performance of any act specifically enjoined upon any person, officer, or board, by any law of this State relating to the public health. (d) To protect and preserve the public health. It may defend all actions and proceedings involving its powers and duties. In all actions and proceedings it shall sue and be sued under the name of the Department of Public Health.
Nuisance abatement	206. It may abate public nuisances.
Advice	207. It may advise all local health authorities, and, when in its judgment the public health is menaced, it shall control and regulate their action.
Rules and regulations	208. It may adopt and enforce rules and regulations for the execution of its duties.
Report to Legislature	209. It shall at each regular session of the Legislature make a report with such suggestions as to legislative action as it deems proper.
Effect of liquor: Examination	210. It shall examine into and report what, in its best judgment, is the effect of the use of intoxicating liquor as a beverage upon the industry, prosperity, happiness, health, and lives of the citizens of the State; also, what legislation, if any, is necessary.
Special investigations	211. It shall cause special investigations of the sources of morbidity and mortality and the effects of localities, employments, conditions and circumstances on the public health and it shall perform such other duties as may be required in procuring information for State and Federal agencies regarding the effects of these conditions on the public health. (a) The board shall define epilepsy for the purposes of the reports hereinafter referred to: (1) All physicians shall report immediately to the local health officer in writing, the name, age, and address of every person diagnosed as a case of epilepsy or similar disorders characterized by lapses of consciousness.
Epilepsy	(2) The local health officer shall report in writing to the State department the name, age, and address, of every person reported to it as a case of epilepsy. (3) The State department shall report to the State Department of Motor Vehicles the names, ages, and addresses, of all persons reported as cases of epilepsy by the physicians and local health officers. (4) Such reports shall be for the information of the State Department of Motor Vehicles in enforcing the provisions of the Vehicle Code of California, and shall be kept confidential

and used solely for the purpose of determining the eligibility of any person to operate a motor vehicle on the highways of this State.

(Added by Stats. 1941, Ch. 186.)

212. Effective July 1, 1953, the state department shall prescribe and promulgate minimum standards of safety and sanitation in the physical plant, and of diagnostic, therapeutic and laboratory facilities for those public hospitals which apply for or receive payments in compliance with Section 2160.3 of the Welfare and Institutions Code, in behalf of patients in public medical institutions, other than federal medical institutions, and other than institutions for tuberculosis or mental disease, and shall certify to the State Department of Social Welfare the institutions which meet the standards as to all or part of their facilities.

Safety and  
sanitation  
standards

(Added by Stats. 1951, Ch. 540.)

## Article 2. Physically Handicapped Children

249. The Department of Public Health shall have the power to establish and administer a program of services for physically defective or handicapped persons under the age of 21 years, in cooperation with the Federal Government through its appropriate agency or instrumentality in developing, extending and improving such services, to receive and expend all funds made available to the department by the Federal Government, the State, its political subdivisions or from other sources, and shall have power to supervise those services included in the State plan which are not directly administered by the State, and to cooperate with the medical, health, nursing and welfare groups and organizations, and any agency of the State charged with the administration of laws providing for vocational rehabilitation of physically handicapped children.

Services for  
handicapped  
children

(Added by Stats. 1943, Ch. 210.)

250. "Handicapped child," as used in this article, means a physically defective or handicapped person under the age of 21 years who is in need of services.

"Handi-  
capped  
child"  
defined

(Amended by Stats. 1943, Ch. 210.)

251. "Services," as used in this article, means any or all of the following:

"Services"  
defined

- (a) Expert diagnosis.
- (b) Medical treatment.
- (c) Surgical treatment.
- (d) Hospital care.
- (e) Physiotherapy.
- (f) Occupational therapy.
- (g) Special treatment.
- (h) Materials.
- (i) Appliances and their upkeep, maintenance, care, and transportation.
- (j) Maintenance, transportation, or care incidental to any other form of "services."



Local  
surveys

252. By local surveys arranged through local authorities, social welfare and other public or private agencies, the State Department of Public Health shall seek out handicapped children. No record shall be taken or kept, except of such children as are specified in this article.

Children  
with im-  
paired  
hearing

252.5. The State Department of Public Health shall seek out children with impaired sense of hearing, especially in the primary and grammar grades of all schools and in its conferences and diagnostic clinics it shall employ for such diagnostic investigation trained otologists.

This section does not give the department power to require medical or physical examination of children without consent of parent or guardian.

(Added by Stats. 1943, Ch. 1098.)

School audi-  
ometrists

252.6. The governing body of a city, county, city and county or school district may employ one or more school audiometrists, each of whom shall be registered with the State Board of Public Health and possess such qualifications as may at the date of registration be prescribed by the said State board.

## Duties

The school audiometrist shall give audiometer tests with instruments accepted by the Council on Physical Therapy of the American Medical Association. Subject to Section 16483 of the Education Code, and Section 252.5 of this code, such tests may be administered to school and preschool children in school buildings and other places as are or may be used by schools for otologic examinations, and in official public health otological diagnostic clinics.

(Added by Stats. 1945, Ch. 743.)

Certificates  
of regis-  
tration

252.7. The State Board of Public Health shall, subject to the provisions of Section 252.6, issue certificates of registration to school audiometrists. The said State board shall prescribe such qualifications as may be necessary for the testing of the hearing of school children.

Candidates for registration who present evidence of satisfactory experience of at least two years in the testing of hearing of school children in public or parochial schools or other tax maintained institutions of this State, or who present evidence of having satisfactorily completed a course in audiometry in a recognized university, college or institute in this State, may be issued certificates of registration without further examination.

## Fee

The said State board shall require a registration fee not to exceed three dollars (\$3).

(Added by Stats. 1945, Ch. 743.)

## Clinics

253. It shall arrange through such local agencies for local public diagnostic clinics or conferences for handicapped children when and where it appears necessary, and bring to them expert diagnosis near their homes.

Free clinical  
service

254. Whenever the parents or estate of a handicapped child is wholly or partly unable to furnish for the child necessary services, the parents or guardian may apply to the agency of the county which has been designated by the board of supervisors of

the county of residence under the terms of Section 271 to administer the provisions for handicapped children. Residence shall be determined in accordance with the provisions of Sections 243 and 244 of the Government Code.

(Amended by Stats. 1945, Ch. 1367 and Ch. 1368, and by Stats. 1947, Ch. 385.)

255. The designated agency shall determine the needs of the handicapped child. If the agency is satisfied that, where there is no guardian of the person, the parents are residents of the county or that the child, in case a guardian of his person has been appointed, is a resident of the county where the application is filed, and that the parents or estate of the child is either wholly or partly unable to furnish the services, the agency shall make a record of the facts and shall issue an authorization for the necessary services.

Agency to  
determine  
needs

The record shall contain the names and addresses of applicant and of the child and the following findings:

Record of  
facts:  
Contents

(a) That the parents, or the child, if there is a guardian of his estate, reside in the county in which the application is filed.

(b) That the child needs services.

(c) That the parents or estate of the child is wholly or partly unable to furnish the services.

(d) What sum, if any, the parents or estate of the child can pay to the treasurer of the county in which the authorization issued.

(Amended by Stats. 1947, Ch. 385.)

256. The authorization, together with duplicate original written diagnoses, shall be presented to the state department. Upon receipt of the authorization the department shall furnish such services for the child as in its judgment are necessary and proper. All expenses for services shall be advanced by the state department out of any appropriation available by law for expenditure for services to physically handicapped children, in accordance with the provisions of Article 2 of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code.

Presentation,  
services

Expenses for  
services

(Amended by Stats. 1947, Ch. 385, and by Stats. 1951, Ch. 486.)

257. The board of supervisors shall audit and approve an itemized claim for the expenses of the services furnished under the authority of the authorization. The county auditor shall then issue a warrant for the amount of the claim payable to the state department, and the county treasurer shall pay it. The state department shall credit the amount received to the appropriation from which it was advanced.

County  
payments

(Formerly 258; amended and renumbered by Stats. 1947, Ch. 385; amended by Stats. 1951, Ch. 486.)

257.5. The agency designated to determine the needs of handicapped children under the provisions of this chapter, may enter into agreements with parents or estates of handicapped children to pay such amounts as they may be able toward the cost of services for such children. Any payment made by parents or estates shall be paid to the treasurer of the county

Payments  
by parents

in which the authorization is issued and shall be credited to the account from which the expenditure was originally drawn.

(Added by Stats. 1947, Ch. 385.)

Payment for  
services  
without  
authoriza-  
tion

258. The state department may, without the possession of an authorization, pay the expenses for services required by any physically handicapped child out of any funds received by it through gift, devise, or bequest or from private, state, federal or other grant or source.

(Formerly 257; amended by Stats. 1943, Ch. 210; amended and renumbered by Stats. 1947, Ch. 385, amended by Stats. 1951, Ch. 486.)

Services for  
nonresident  
children

258.5. Upon the request of another state or of a federal agency, it may pay the expenses of services required by any physically handicapped child, who is not a resident of this State; provided, that the cost of such services is fully covered by special grants or allotments received from such state or federal agency for that purpose.

Duration

This section shall remain in effect until the ninety-first day after final adjournment of the 1953 Regular Session of the Legislature.

(Added by Stats. 1951, Ch. 486.)

Contracts  
for furnish-  
ing services

259. The State department may arrange or contract with any person properly qualified to furnish services to handicapped children. It may pay for services out of any funds appropriated for the purpose or which it may receive by gift, devise, or bequest.

Cooperation  
with insti-  
tutions, etc.

260. It shall cooperate with the hospital or other institution in which a child is placed, maintain a strict supervision over the handicapped children under its care and jurisdiction, shall cause them to be visited when advisable, and shall cause a record to be kept showing their condition and improvement.

Agreements  
with parents  
or guardians

261. It may enter into agreements with parents, guardians and persons responsible for the care of handicapped children to pay such amounts as they may be able toward the cost of services for a handicapped child.

Consent of  
parent or  
guardian

262. This article does not authorize the care, treatment, or supervision of or any control over handicapped children without the written consent of a parent or guardian.

263. (Added by Stats. 1939, Ch. 102, as part of codification; amended by Stats. 1947, Ch. 385; repealed by Stats. 1951, Ch. 486.)

NOTE—Stats. 1951, Ch. 486 also contained the following provision:

SEC. 6. On order of the State Controller, the unexpended balance of the Physically Defectives' Revolving Fund on the effective date of this act shall be transferred to the General Fund.

264. The State department may receive gifts, legacies and bequests and expend them for the purposes of this article, but not for administrative expenses.

265. (Repealed by Stats. 1947, Ch. 385.)

266. (Repealed by Stats. 1947, Ch. 385.)



267. The governing body of any public institution subject to the authority and under the control of the State Department of Institutions, or of political subdivisions of the State, in which hospital facilities are maintained which can be used for the purposes of this article may, upon such terms as may be agreed upon, without charge, place facilities at the disposition of the State Department of Public Health to be used in providing services for handicapped children.

Facilities  
of public  
institutions

268. The board of supervisors in each county may provide for services for any handicapped child in each county, when the parents or guardian consent in writing and when the parents or estate of the child is not financially able to provide services. The county may cooperate in this service with the State department and pay the cost as provided in this article or may perform the services independently, if such services meet minimum standards set by the State Board of Public Health for the care of physically handicapped children.

County  
services

(Amended by Stats. 1943, Ch. 210.)

269. In order to provide facilities for the services for handicapped children, the board of supervisors may cooperate with the State Department of Public Health and the State Department of Social Welfare in making use of existing hospital facilities under the supervision or inspection of those departments, within or without their respective counties.

County use  
of State  
facilities

270. Annually the board of supervisors of each county shall appropriate for services for handicapped children of the county a sum of money not less than that represented by a rate of one-tenth of one mill (\$.0001) on each dollar on the assessed valuation of the taxable property in the county, except that whenever the department on or before May 1st of any year certifies to the board of supervisors a smaller amount needed for such purposes in that county, the latter shall be the minimum amount appropriate for expenditure therefor in that county during the next succeeding fiscal year.

Funds:  
County tax

(Amended by Stats. 1945, Ch. 1368.)

271. The board of supervisors shall allot the funds appropriated as provided in Section 270 to the local department of public health or local department of public welfare to be used for providing care for handicapped children. The local department of public health or the local department of public welfare may cooperate in this service with the State Department of Public Health or may provide the care independently, if such services meet minimum standards set by the State Board of Public Health.

Same:  
To local  
agencies

(Added by Stats. 1945, Ch. 1367; amended by Stats. 1947, Ch. 385.)

### Article 3. Child Hygiene

300. The State Department of Public Health shall maintain a Bureau of Child Hygiene which in addition to other duties and powers prescribed in this article shall have charge of such matters and shall have such powers as may, from time to time, be referred and delegated to it by the department.

Bureau of  
Child  
Hygiene

- Chief** 301. The State department shall appoint a chief of the bureau who shall be a duly licensed and practicing physician of any system of therapeutics.
- Powers** 302. The bureau, under the direction and supervision of the department, may investigate, and disseminate educational information relating to, conditions affecting the health of the children of this State.
- Limitation on powers** 303. This article does not give the bureau power to force compulsory medical or physical examination of children.
- Advice** 304. Upon request, the bureau shall advise all public officers, organizations, and agencies interested in the health and welfare of children in the State.

#### Article 4. Division of Dental Health

(Article 4 repealed and added by Stats. 1949, Ch. 710)

- Division of Dental Health** 350. The State Department of Public Health shall establish and maintain a division in the Department of Public Health to be known as the Division of Dental Health to study, plan, and under the supervision of the director of the department to administer all functions of the department relating to dentistry and all matters relating to dentistry shall be referred to the dental division.
- (Repealed and added by Stats. 1949, Ch. 710.)
- Chief** 351. The Director of Public Health shall appoint a chief of the division who shall be a graduate dentist eligible to license in the State of California.
- (Repealed and added by Stats. 1949, Ch. 710.)
- Powers** 352. The division shall have the power and authority to:
- (a) Initiate and develop educational activities designed to protect and improve the dental health of the people of the State.
  - (b) Initiate and develop research programs in service and prevention designed to protect and improve the dental health of the people of the State.
  - (c) Correlate the work of the division in health procedures, research and administration in the department and with official and nonofficial agencies and educational institutions.
- (Repealed and added by Stats. 1949, Ch. 710.)
- Limitation on powers** 353. Nothing in this article authorizes the division to compel dental examinations or services.
- (Repealed and added by Stats. 1949, Ch. 710.)
- Additional powers** 354. The State Department of Public Health shall have the power to receive for the division any financial aid granted by any private, federal, state, district, or local or other grant or source, and the division shall use such funds to carry out the provisions and purposes of this article.
- (Repealed and added by Stats. 1949, Ch. 710.)
- Licenses** 355. No services of any kind for which a license is required by other statutes of the State shall be performed under the provisions of this article, except by a person duly licensed to perform the same.
- (Added by Stats. 1949, Ch. 710.)

356. This article is not intended to apply and none of its provisions shall be construed as having any application whatsoever to any person licensed or registered under the provisions of the Dental Practice Act nor to the private practice of dentistry, save only as to persons in the employ of the department or of the division.

(Added by Stats. 1949, Ch. 710.)

#### Article 5. State Hygienic Laboratory

374. There is established and shall be maintained at the University of California, at Berkeley, for the use of the State department, a hygienic laboratory for bacteriological and chemical analyses, which shall be under the management and control of the department.

375. Branches of the laboratory may be established and maintained by the State department at such other places in the State as the department may determine to be necessary for the protection of the public health.

376. The State department shall appoint a chief of the laboratory who shall be a skilled bacteriologist and chemist, and, who, subject to the control of the department, shall have general supervision of the laboratory and any branch laboratories that may be established under the provisions of this article.

377. The State department shall appoint an assistant chief for each branch laboratory established, who shall likewise be a skilled bacteriologist and chemist.

#### Article 6. Sanitary Engineering

400. The State Department of Public Health shall maintain a Bureau of Sanitary Engineering which shall have charge of such matters and shall have such powers as may be referred and delegated to it by the department.

401. The State department shall appoint a chief of the bureau who shall be a graduate sanitary engineer.

#### Article 7. Bureau of Tuberculosis

410. The State Department of Public Health shall maintain a Bureau of Tuberculosis which shall have charge of such matters and shall have such powers as may be referred and delegated to it by the department.

411. The State department shall appoint a chief of the bureau who shall be qualified and trained in public health work.

412. The bureau shall:

(a) Register all tuberculous persons in the State.

(b) Supervise all hospitals, dispensaries, sanatoria, preventoria, farm colonies, and other public or private institutions for tuberculosis.

(c) Advise officers of State penal and charitable institutions regarding the proper care of tuberculous inmates.



(d) Conduct such educational and publicity work in connection with tuberculosis as may be necessary.

Adminis-  
tration of  
tuberculosis  
fund

413. The bureau shall administer the fund for State aid to cities, counties, and groups of counties for the care of patients who are county charges in tuberculosis wards or hospitals maintained by cities, counties, or groups of counties.

Investi-  
gations

414. The bureau shall inspect and investigate and have access to all records and departments of all institutions, both public and private, where tuberculous patients are treated.

Report

The bureau shall prepare annually for each institution a report of its rating on sanitary construction, enforcement of sanitary measures, adequate provision for medical and nursing attendance, provision for proper food, and such other matters of administration as may be designated.

Administration of the fund for the care of patients who are county charges in tuberculosis wards and hospitals maintained by cities, counties, or groups of counties, shall be based on its reports and rules and regulations.

### Article 8. Mental Health

(Article 8 added by Stats. 1945, Ch. 971)

Mental  
health  
service

420. The State Department of Public Health may maintain a mental health service which shall advise and assist local departments of health and education in the establishment of mental health services, particularly in connection with maternal and child health conferences and in the schools of the State.

The department shall coordinate this service with the program of the State Department of Mental Hygiene and may conduct such other activities as may be required in the development of mental health services as related to public health.

This article does not authorize any form of compulsory medical or physical examination, treatment, or control of any person.

(Added by Stats. 1945, Ch. 971.)

### CHAPTER 3. HOSPITAL SURVEY AND CONSTRUCTION

(Chapter 3 added by Stats. 1947, Ch. 327)

NOTE—Stats. 1947, Ch. 327, which added Chapter 3, also contained these sections:

SECTION 1. The purpose of this act is to provide for the better protection of the public health, which is hereby declared to be a matter of state-wide interest and concern, by cooperation with the United States Government in developing and carrying into effect a program for the construction of such hospitals as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital, clinic, and similar services for all of the people of the State, and to that end to comply with and implement the Federal Hospital Survey and Construction Act; and by supplementing the federal assistance provided pursuant to said federal act by providing state financial assistance for the construction of such hospital and other facilities to those agencies empowered to construct and operate hospitals and similar facilities to which the State Constitution permits state assistance to be made available.

SEC. 7. The provisions of this act shall take effect and be operative to the fullest extent possible under the existing provisions of the State

Constitution. The remaining provisions, if any, shall severally become operative if, as, and when the Constitution is so amended as to make them possible of enactment, and thereafter they shall have the same force and effect they would have if enacted upon such constitutional amendment or amendments becoming effective.

## Article 1. Definitions and General Provisions

430. This chapter may be cited as the "California Hospital Survey and Construction Act." Short title

(Added by Stats. 1947, Ch. 327.)

430.1. As used in this chapter, the terms defined in this article have the meanings set forth in this article. Definitions

(Added by Stats. 1947, Ch. 327.)

430.2. "The Federal Act" means Public Law 725 of the Seventy-ninth Congress, approved August 13, 1946, entitled the Hospital Survey and Construction Act. "The Federal Act"

(Added by Stats. 1947, Ch. 327.)

430.3. "The Surgeon General" means the Surgeon General of the Public Health Service of the United States. "The Surgeon General"

(Added by Stats. 1947, Ch. 327.)

430.4. "Hospital" includes public health centers and general, tuberculosis, mental, chronic disease, and other types of hospitals, and related facilities, such as laboratories, out-patient departments, nurses' home and training facilities, and central service facilities operated in connection with hospitals, but does not include any hospital furnishing primarily domiciliary care. "Hospital"

(Added by Stats. 1947, Ch. 327.)

430.5. "Public health center" means a publicly owned facility for the provision of public health services, including related facilities such as laboratories, clinics, provisions for bed care, and administrative offices operated in connection with public health centers. "Public health center"

(Added by Stats. 1947, Ch. 327.)

430.6. "Nonprofit hospital" means any hospital owned and operated by a corporation, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, or a hospital publicly owned or operated by a public entity or agency of this State. "Nonprofit hospital"

(Added by Stats. 1947, Ch. 327.)

430.7. "Construction" includes construction of new buildings, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings; including architects' fees, but excluding the cost of off-site improvements and, except with respect to public health centers, the cost of the acquisition of land. "Construction"

(Added by Stats. 1947, Ch. 327.)

430.8. This chapter shall not apply to any sanatorium or institution conducted by or for the adherents of any well recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of such church or denomination. Exception

(Added by Stats. 1947, Ch. 327.)

## Article 2. Administration

Department  
of Public  
Health:  
Inventory

431. The State Department of Public Health shall constitute the sole agency of the State for the following purposes:

(a) Making an inventory of existing hospitals, surveying the need for construction of hospitals, and developing a program of hospital construction as provided in Article 3 of this chapter.

State plan

(b) Developing and administering a state plan for the construction of public and other nonprofit hospitals as provided in Article 3 of this chapter.

(Added by Stats. 1947, Ch. 327.)

431.1. In carrying out the purposes of this chapter, the department shall:

Inspections

(a) Require such reports, make such inspections and investigations, and prescribe such regulations as the department deems necessary.

Adminis-  
trative  
methods

(b) Provide such methods of administration, appoint such personnel, and take such other action as may be necessary to comply with the requirements of the federal act, this chapter, and the regulations thereunder.

Annual  
report

(c) Make an annual report to the Governor and to the Legislature on activities and expenditures pursuant to this chapter, including recommendations for such additional legislation as the director considers appropriate to furnish adequate hospital, clinic, and similar facilities to the people of this State.

(Added by Stats. 1947, Ch. 327.)

Advisory  
Hospital  
Council

431.2. The Governor shall appoint an Advisory Hospital Council to advise and consult with the department in carrying out the administration of this chapter. The Council shall consist of the director, who shall serve as chairman ex officio and eight (8) members and shall include representatives of nongovernment organizations or groups, and of state agencies, concerned with the operation, construction or utilization of hospitals, including representatives of the consumers of hospital services selected from among persons familiar with the need for such services in urban or rural areas. Of the members first appointed, four shall be designated by the Governor to hold office until October 1, 1948, and four shall be designated by the Governor to hold office until October 1, 1949. Members other than the members first appointed shall hold office for terms of two (2) years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Council members, while serving on business of the council, shall receive no compensation, but shall be entitled to receive actual and necessary travel and subsistence expenses while so serving away from their places of residence. The council shall meet as frequently as the director deems necessary, but not less than once each year. Upon request by four (4) or more members, the director shall call a meeting of the council.

(Added by Stats. 1947, Ch. 327.)



### Article 3. Survey and Planning

432. The department shall make an inventory of existing hospitals, including public, nonprofit, and proprietary hospitals, to survey the need for construction of hospitals, and, on the basis of such inventory and survey, shall develop a program for the construction of such public and other nonprofit hospitals as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital, clinic, and similar services to all the people of the State.

(Added by Stats. 1947, Ch. 327.)

432.1. The construction program shall provide, in accordance with regulations prescribed under the federal act, this chapter, and the regulations thereunder, for adequate hospital facilities for the people residing in this State, and insofar as possible shall provide for their distribution throughout the State in such manner as to make all types of hospital service reasonably accessible to all persons in the State.

(Added by Stats. 1947, Ch. 327.)

432.2. The department may make application to the Surgeon General for federal funds to assist in carrying out the survey and planning activities provided for in this article. Such funds shall be deposited in the Department of Public Health Fund in the State Treasury.

(Added by Stats. 1947, Ch. 327.)

432.3. The department shall prepare and submit to the Surgeon General a state plan which shall include the hospital construction program developed under this article, and which shall provide for the establishment, administration, and operation of hospital construction activities in accordance with the requirements of the federal act and regulations thereunder.

(Amended by Stats. 1947, Ch. 327.)

432.4. The department shall by regulation prescribe minimum standards for the maintenance and operation of hospitals which receive federal aid for construction under the state plan.

(Added by Stats. 1947, Ch. 327.)

432.5. The state plan shall set forth the relative need for the several projects included in the construction program, determined on the basis of the relative need of different sections of the population and of different areas lacking adequate hospital facilities, giving special consideration to hospitals serving rural communities and areas with relatively small financial resources, and in accordance with the regulations of the Surgeon General prescribed pursuant to the federal act, and shall provide for their construction in the order of relative need so determined, insofar as financial resources available therefor and for maintenance and operations make it possible.

(Added by Stats. 1947, Ch. 327.)

432.6. Applications for hospital construction projects for which federal funds are requested shall be submitted to the department, and may be submitted by the State or any political subdivision thereof or by any public or nonprofit agency authorized to construct and operate a hospital. Each application for

Construction  
program:  
Inventory  
and survey

Provisions

Federal  
funds

State plan

Minimum  
standards

Specification  
of relative  
needs

Project  
applications

a construction project shall conform to federal and state requirements, and shall be submitted in the manner and form prescribed by the department.

(Added by Stats. 1947, Ch. 327. Section of same number added by Stats. 1947, Ch. 1486.)

**Project  
applications**

432.6. Applications for hospital construction projects for which federal funds are requested shall be submitted to the department, and may be submitted by the State or any political subdivision thereof or by any public or nonprofit agency authorized to construct and operate a hospital. Each application for a construction project shall conform to federal and state requirements, and shall be submitted in the manner and form prescribed by the department.

**Conditions**

Any county which applies for or accepts federal funds for any hospital does so on condition that the hospital for which assistance is requested and accepted, at all times during which it is operated, (a) shall be qualified for a license under Chapter 2 of Division 2 of this code (whether or not said Chapter 2 is otherwise applicable to the hospital), and be subject to inspection under said Chapter 2 to the same extent as are other hospitals to which said Chapter 2 applies; and (b) shall not restrict patients to those unable to pay for their care.

(Added by Stats. 1947, Ch. 1486. Section of same number added by Stats. 1947, Ch. 327.)

**Hearing**

432.7. The department shall afford to every applicant for assistance for a construction project an opportunity for a fair hearing before the council upon 10 days' written notice to the applicant. If the department, after affording reasonable opportunity for development and presentation of applications in the order of relative need, finds that a project application complies with the requirements of Section 432.6 and is otherwise in conformity with the state plan, it shall approve such application and shall recommend and forward it to the Surgeon General. The department shall consider and forward applications in the order of relative need set forth in the state plan in accordance with Section 432.5.

(Added by Stats. 1947, Ch. 327.)

**Inspection  
and certifi-  
cation**

432.8. From time to time the department shall inspect each construction project approved by the Surgeon General, and if the inspection so warrants, the department shall certify to the Surgeon General that work has been performed upon the project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment of federal funds is due to the applicant.

(Added by Stats. 1947, Ch. 327.)

**Federal  
funds**

432.9. The department is hereby authorized to receive federal funds in behalf of, and transmit them to, such applicants. Money received from the Federal Government for a construction project approved by the Surgeon General shall be deposited in the Department of Public Health Fund, and shall be used

solely for payments due applicants for work performed, or purchases made, in carrying out approved projects.

(Added by Stats. 1947, Ch. 327.)

433. Any moneys deposited in the Department of Public Health Fund in accordance with the provisions of this article are appropriated for expenditure by the director for the purposes for which such moneys were received, in accordance with the provisions of this chapter. Any such funds received and not expended for the purposes of this article shall be repaid to the Treasury of the United States.

(Added by Stats. 1947, Ch. 327.)

#### Article 4. State Assistance for Hospital Construction

435. As used in this article, "public agency" means cities, counties, cities and counties, and local hospital districts.

(Added by Stats. 1947, Ch. 327.)

435.1. "Public agency" also means any corporation, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, which is authorized to construct and operate a hospital.

(Added by Stats. 1947, Ch. 327.)

435.2. The State Department of Public Health shall administer this article, and shall make such rules and regulations as may be necessary to carry out its provisions.

(Added by Stats. 1947, Ch. 327.)

435.3. From any state moneys made available to it for that purpose, the department shall provide assistance pursuant to this article for the construction of hospitals to public agencies which apply therefor, if such public agencies are eligible for such assistance under this article and apply for and accept such assistance upon the conditions specified in this article.

(Added by Stats. 1947, Ch. 327.)

435.4. A public agency is eligible for state assistance under this article only if it qualifies for and receives assistance from the United States Government under the federal act.

(Added by Stats. 1947, Ch. 327.)

435.5. Any public agency which applies for or accepts state assistance for any hospital under this article does so on condition that the hospital for which such assistance is requested and accepted, at all times during which it is operated, (a) shall be qualified for a license under Chapter 2 of Division 2 of this code (whether or not said Chapter 2 is otherwise applicable to the hospital), and be subject to inspection under said Chapter 2 to the same extent as are other hospitals to which said Chapter 2 applies; and (b) shall not restrict patients to those unable to pay for their care.

(Added by Stats. 1947, Ch. 327.)

435.6. The amount of state assistance which shall be provided to any public agency for any hospital under this article shall be a sum equal to the assistance received by the public agency for that hospital under the federal act, but in no event



shall the amount of the state assistance exceed one-third of the cost of construction of the hospital.

(Added by Stats. 1947, Ch. 327.)

Applications 435.7. Application for state assistance under this article shall be made to the State Department of Public Health, in the manner and form prescribed by the department. The department shall prescribe the time and manner of payment of state assistance, if granted.

(Added by Stats. 1947, Ch. 327.)

## PART 2. LOCAL ADMINISTRATION

### CHAPTER 1. HEALTH OFFICERS AND ORDINANCES

#### Article 1. County Health Ordinances and Officers

County health ordinances 450. The board of supervisors of each county shall adopt orders and ordinances necessary for the preservation of the public health in the unincorporated territory of the county, not in conflict with general laws, and provide for the payment of all expenses incurred in enforcing them.

Health officer 451. Each board of supervisors shall appoint a health officer who is a county officer.

(Amended by Stats. 1939, Ch. 413.)

Expenses 451.5. The actual and necessary expenses of the health officer incurred while traveling to and from and while attending the annual convention of his association or of any other meeting designated by the board of supervisors shall be a county charge. The expenses of attending the annual convention of his association shall not exceed the sum of fifty dollars (\$50).

(Added by Stats. 1939, Ch. 413.)

General functions 452. The county health officer shall enforce and observe in the unincorporated territory of his county, all of the following:

(a) Orders and ordinances of the board of supervisors, pertaining to the public health and sanitary matters.

(b) Orders, quarantine and other regulations, and rules prescribed by the State Department of Public Health.

(c) Statutes relating to public health.

(Amended by Stats. 1949, Ch. 968.)

Reports to State department 453. Each county health officer shall report to the State department all violations of the State health laws that come to his attention.

Qualifications, compensation 454. The county health officer shall be a graduate of a medical college of good standing and repute. His compensation shall be determined by the board of supervisors.

(Amended by Stats. 1943, Ch. 925.)

Performance of duties 455. The county health officer shall give to the duties of his office such time and attention as may be necessary to secure general supervision of all matters pertaining to the health and sanitary condition of the county, and when so required by the board of supervisors he shall give all of his time to his duties.

456. Immediately after the appointment of the health officer, the board of supervisors shall notify the director of the appointment and the name and address of the appointee. Notice of appointment

457. The county health officer shall advise on medical matters any board or body in which is vested the management of any county pension or retirement system. He shall attend the meetings of such board or body when such board or body requests him so to do. Advice to body managing retirement system

(Added by Stats. 1945, Ch. 578.)

## Article 2. County Health Administration for Cities

476. When the governing body of a city in the county consents by resolution or ordinance, the county health officer shall enforce and observe in the city all of the following: Enforcement in city by county health officer

(a) Orders, quarantine regulations, and rules prescribed by the state department and other rules and regulations issued under the provisions of this code.

(b) Statutes relating to the public health.

(Amended by Stats. 1949 Ch. 968.)

477. The resolution or ordinance shall be adopted and a certified copy served on the clerk of the board of supervisors on or before the first day of March of any year, and the services of the county health officer in the city shall commence on the first day of July next succeeding the giving of notice. The services shall continue indefinitely until the governing body of the city terminates them by adoption of a resolution and ordinance and service of a certified copy on the clerk of the board of supervisors on or before the first day of March of any subsequent year. The services of the county health officer shall terminate on the first day of July immediately succeeding the giving of the notice. Duration of services

478. In the event of major disaster or other emergency, the governing body of a city for which the county health officer is not acting may contract with the board of supervisors of the county in which the city is located for the performance by the county health officer of any and all functions relating to the public health. Contracts in emergencies

## Article 2A. Contracts for Local Health Administration

(Article 2A added by Stats. 1939, Ch. 150)

480. The board of supervisors may contract with a city in the county, and the city, through its governing body, may contract with the county for the performance by health officers or other employees of the county of any or all functions relating to, the enforcement in the city of all ordinances thereof relating to public health and sanitation, and the making of all inspections and the performance of all functions in connection therewith. Contract for enforcement in city by county

(Added by Stats. 1939, Ch. 150.)

**Powers of county health officer** 481. Whenever the contract has been duly entered into, the county health officer and his deputies shall thereupon exercise the same powers and duties in the city as are conferred upon health officers thereof by law.

(Added by Stats. 1939, Ch. 150.)

**Compensation** 482. In the contract the city may provide for the payment by the city to the county of such consideration as may be agreed upon, to be paid to the county treasurer of the county, which compensation shall be payable at such times as are specified and shall be in an amount to repay the county for the entire cost to it of the services performed for the city and required in the enforcement of ordinances under the terms of the contract, as nearly as can be estimated or ascertained.

(Added by Stats. 1939, Ch. 150.)

**Enforcement in county by city** 483. The board of supervisors may contract with a city in the county, through its governing body, to secure the performance by the health officer or other health employees of the city, in any unincorporated territory adjacent to the city, of any or all functions relating to public health.

(Added by Stats. 1939, Ch. 150.)

**Compensation** 484. Payment for the services in the unincorporated territory shall be made by the county to the city treasurer of the city.

(Added by Stats. 1939, Ch. 150.)

**Contract of county for services in schools** 485. The board of supervisors may contract with the county superintendent of schools of the county for the performance by health officers or other employees of county health departments of any or all of the functions and duties set forth in Chapter 3 of Division 8 of the Education Code, relating to the health supervision of school buildings and of pupils enrolled in the schools of any or all elementary and high school districts over which the county superintendent of schools has jurisdiction.

In the contract the consideration shall be such as may be agreed upon by the board of supervisors and the county superintendent of schools and shall be paid by the county superintendent of schools at such times as shall be specified in the contract to the county treasurer.

(Added by Stats. 1939, Ch. 150; amended by Stats. 1945, Ch. 722.)

**Provisions in contract** 486. A contract under this article, except contracts with county superintendents of schools, may provide for the care and support, including medical attendance, of indigent sick, and for compensation therefor.

(Added by Stats. 1939, Ch. 150.)

### Article 3. County Health Administration for Unincorporated Towns

**Health officer** 491. When public necessity requires, the board of supervisors may appoint a health officer for any unincorporated town who shall, under the supervision of the county health



officer, exercise all necessary diligence in executing in the town all of the following:

(a) Ordinances, rules, and regulations of the board of supervisors relating to health and sanitary matters.

(b) Rules and regulations of the department relating to health and sanitary matters.

492. Each town health officer shall report to the State Reports department all violations of the State health laws that come to his attention.

493. His term of office and compensation shall be fixed Term by the board of supervisors, and he shall receive as his com- Compensation pensation for services not exceeding one hundred dollars (\$100) in any one year.

#### Article 4. City Health Ordinances, Boards, and Officers

500. The governing body of a city shall by ordinance adopt Ordinances for the regulation of sanitary matters in the city such rules and regulations as are necessary and proper, and shall supervise all matters pertaining to the sanitary condition of the city.

501. This article does not prevent the appointment by the governing body of a board of health which shall be advisory to Advisory board the health officer.

502. Every governing body of a city shall appoint a health Health officer officer who shall receive for his services such compensation as may be determined by the governing body and shall hold office at its pleasure.

503. Immediately after the appointment of the city health Notice of appointment officer the governing body shall notify the director of the appointment and the name and address of the appointee.

504. Each city health officer shall enforce and observe all Duties of the following:

(a) Orders and ordinances of the governing body of the city pertaining to the public health.

(b) Orders, quarantine and other regulations, and rules, concerning the public health, prescribed by the state department.

(c) Statutes relating to the public health.

(Amended by Stats. 1949, Ch. 968.)

505. Each city health officer shall report to the State Reports to State department: Violations department all violations of the State health laws that come to his attention.

506. Each city health officer shall report to the director Sanitary conditions at such times as the department may require, as to the sanitary condition of his locality.

507. The city health officer shall report in writing to the Diseases State department, upon blanks furnished by it, at such times as the department requires, all infectious, contagious, and communicable diseases in man or beast which come to his knowledge.

**Epidemics** 508. The city health officer, in cases of local epidemic of disease shall report to the State department all facts concerning the disease, the measures taken to prevent or abate its spread, infection, or contagion, and such other matters within his knowledge or jurisdiction as the department may require.

**Failure to appoint health officer** 509. If the governing body of any city neglects to provide a health officer the State department may direct the district attorney to begin an action against the governing body to compel the performance of its duty, or the State department may appoint a health officer for the city, and the expenses of the health officer shall be a charge against the city for which the appointment is made.

### Article 5. Sanitarians

(Article 5 added by Stats. 1945, Ch. 856)

**"Sanitarian"** 540. "Sanitarian," as used in this article, means a person trained in the field of sanitary science and technology who is qualified to carry out educational and inspectional duties and enforce the law in the field of sanitation.

(Added by Stats. 1945, Ch. 856.)

**Registration** 541. The governing body of a city, of a county, or of a local health district may employ on a full time basis one or more sanitarians each of whom shall be a registered sanitarian as provided for in this article for the purpose of the enforcement of such State statutes relative to public health, and such rules and regulations of the State Board of Public Health, and any local ordinances of a city, county or local health district that relate to the inspection of food products, water supplies, sewage disposal, food establishments, general sanitation or housing; provided, however, that any person who shall be known as assistant sanitarian may without a certificate of registration be employed to work under the supervision of a registered sanitarian until such time as he may be qualified by examination as provided under Section 542 (b), such time not to exceed two years of such employment.

**Employment of assistant**

(Added by Stats. 1945, Ch. 856.)

**Qualifications** 542. The State department shall certify as a registered sanitarian any person who qualifies himself by one of the following procedures:

(a) The State department shall accept for registration as a registered sanitarian (1) any person who on or before January 1, 1946, has passed an official civil service examination as certified by an official agency qualifying him as a sanitarian, food and market inspector, sanitary inspector, or housing inspector, given by the State, or by any city, county or local health district of the State; or (2) any person who has prior to the effective date hereof been employed as a sanitarian, food and market inspector, sanitary inspector, or housing inspector by the State, any city, any county, or any city and county, or any local health district of the State.

(b) The State department may hold examinations in various parts of the State for the purpose of determining persons who are qualified and competent to act as registered sanitarians who desire to become employed on a full time basis in health departments of the State, or of any city, or any county, or of any local health district of the State in the enforcement of State statutes relative to public health, the rules and regulations of the State Board of Public Health and local ordinances pertaining to public health. The State department shall issue a certificate as a registered sanitarian to each person who passes such examination. The State Board of Public Health may by rule establish minimum standards and qualifications for such persons.

(Added by Stats. 1945, Ch. 856.)

## CHAPTER 2. PUBLIC HEALTH NURSES

600. The governing body of a city may employ one or more public health nurses, each of whom shall be a registered nurse possessing such qualifications as may at the date of her employment be prescribed by the State department.

601. The public health nurse shall attend to such matters pertaining to the health and sanitary conditions of the city as the governing body may assign to her. Her compensation shall be determined by that body.

602. The board of supervisors in each county may employ one or more public health nurses, each of whom shall be a registered nurse possessing such qualifications as may at the date of her employment be prescribed by the State department.

603. The public health nurse shall attend to such matters pertaining to the health and sanitary conditions of the county as the board of supervisors may assign to her. Her compensation shall be determined by that board.

## CHAPTER 3. DENTISTS AND DENTAL HYGIENISTS

700. The governing body of a city may employ one or more dentists or dental hygienists, each of whom shall be a licensed dentist or dental hygienist.

701. The dentist or dental hygienist shall attend to such dental conditions of the city as the governing body may assign to him. His compensation shall be determined by that body.

702. The board of supervisors in each county may employ one or more dentists or dental hygienists, each of whom shall be a licensed dentist or dental hygienist.

703. The dentist or dental hygienist shall attend to such dental conditions of the county, as the board of supervisors may assign to him. His compensation shall be determined by that board.



## CHAPTER 4. REGULATION OF PLUMBING

Application of chapter	800. The provisions of this chapter shall not apply to any city which has prescribed, or does hereafter prescribe, by ordinance its own system for the licensing of plumbers and the regulation of plumbing within such city by its health or building departments. (Added by Stats. 1941, Ch. 575.)
License from city board of health	800.5. It is unlawful for any person to carry on business, or labor as a master or journeyman plumber, in any city unless he has obtained from the board of health of the city a license authorizing him to carry on that business, or to labor as such mechanic. (Formerly 800. Renumbered and amended by Stats. 1941, Ch. 575.)
Examination	801. A license shall be issued only after a satisfactory examination by the city board of health of each applicant upon his qualifications to conduct that business or so to labor.
Application	802. All applications for license, and all licenses issued, shall state the name in full, age, nativity, and place of residence of the applicant or licensee.
Record	803. The secretary of each city board of health shall keep a record of all licenses issued, together with an alphabetical index to the record.
Publication of list	804. A list of all licensed plumbers shall be published in the yearly report of the health officer or board of health.
Approval of plans	805. The drainage and plumbing of all buildings, both public and private, erected in any city shall be executed in accordance with plans previously approved in writing by the board of health of the city.
Filing plans	806. Suitable drawings and description of the drainage and plumbing shall, in each case, be submitted to the city board of health, and placed on file in the health office.
Buildings heretofore erected	807. The city board of health may also receive and place on file drawings and descriptions of the drainage and plumbing of buildings heretofore erected.
Tax levy and appropriation	808. The governing body of the city shall make the necessary appropriation and tax levies, and shall insert them in the yearly tax levy, to provide for carrying out the provisions of this chapter. The appropriations and levy shall be made at the same time and in the same manner as appropriations and tax levies are made for other city purposes.
Enforcement	809. In any city where there is a health officer, but no board of health, the health officer shall perform all the duties required by this chapter of the board of health until a board of health is created. In any city where there is no health officer nor board of health, the governing body shall create a board of health, which shall perform the duties required by this chapter of the board of health or health officer.
Injunction	810. Any superior court may restrain by injunction the continuance of work to be done upon or about buildings or premises where the provisions of this chapter have not been complied with, and no undertaking shall be required as a

condition to, or by reason of, the granting or issuing of the injunction.

811. Every person who violates any provision of this chapter is guilty of a misdemeanor. Penalty

## CHAPTER 5. LOCAL HEALTH AND SAFETY REGULATIONS

850. Any board of supervisors may levy a special sanitary tax, not to exceed one-half mill on the one dollar (\$1) of assessed valuation, on all the property in the county, outside of any city. Sanitary tax

The tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be used to prevent the introduction of dangerous, infectious, or communicable diseases, to eradicate them if introduced, and for the purpose of general sanitation.

851. Any board of supervisors may adopt such rules and regulations with regard to keeping and storing of every description of gunpowder, hercules powder, giant powder, or other explosives or combustible material, as the safety and protection of the lives and property of individuals may require. Explosives

## CHAPTER 6. LOCAL HEALTH DISTRICTS

### Article 1. Definitions and General Provisions

880. "District," as used in this part, refers to a district organized pursuant to this chapter or pursuant to any law which it supersedes. District

881. "District board," as used in this part, refers to the board of trustees of the district. District board

882. For the purposes of this chapter all unincorporated territory in a proposed district and in one county only shall be regarded as an entirety and as a "unit," and each city in a district shall likewise be regarded as a "unit." Unit

883. If the territory of the proposed district is in more than one county, the phrase "board of supervisors" as used in this chapter includes the plural as well as the singular and the same procedure and law as set forth in this chapter for the establishing of a district in one county only likewise applies to the adjoining county or counties all or a portion of whose territory is included in the proposed district. Board of supervisors

884. Chapter 1 of this part shall not apply to any area in a district except as to ordinances. Law applicable

(Added by Stats. 1939, Ch. 150.)

### Article 2. Formation

900. A local health district may be organized pursuant to this chapter. Formation

901. A petition to form a district may consist of any number of separate instruments. Petition

902. The petition shall set forth and describe the boundaries of the proposed district and shall pray that it be organized as a local health district.

**Territory** 903. A district may include incorporated or unincorporated territory, or both, in one or more counties.

The territory of the district shall consist of contiguous parcels only.

The territory of a city shall not be divided.

**Consent of city** 904. Before a city can be included in the proposed district, the governing body of the city shall, by resolution duly authenticated, request the inclusion of the city.

**Signatures** 905. A petition to form a district shall be signed by registered voters of each unit of the proposed district equal in number to at least 10 per cent of the number of votes cast in each unit respectively for the office of Governor at the last preceding general election at which a Governor was elected.

**Presentation** 906. The petition may be presented at a regular meeting of the board of supervisors of the county in which all or a portion of the proposed district is situated.

**Publication of notice** 907. There shall be published in a daily, semiweekly, or weekly newspaper of general circulation printed and published in each city included in the proposed district for four successive publications all of the following:

(a) A reference to the text of the petition.

(b) A notice of the time of the meeting of the board stating when the petition will be presented and that all persons interested may then appear and be heard.

**Posting of notice** 908. If there is situated in the proposed district any city in which there is no such newspaper there shall be posted, prior to the time the petition is to be presented, for 30 successive days in three public places in the city, with the text of the petition as specified in this chapter, a notice of the time of presentation of the petition.

**Filing** 909. At least one month prior to the time at which the petition is presented for hearing, a copy of the text of the petition and of the notice shall be filed with the State department and with the board of supervisors of the county or counties in which it is proposed to form the district.

**Posting** 910. In each city and unincorporated unit in a proposed district there shall be posted, prior to the time at which the petition is to be presented, for 30 successive days, copies of all of the following:

(a) Text of the petition.

(b) The notice.

911. When the petition is composed of more than one instrument, one copy only need be posted or published.

912. No more than five of the names attached to the petition need appear in the publication or posting, but the number of signers shall be stated.

**Hearing** 913. At the time the petition is presented the board of supervisors shall consider the petition and hear those appearing on, and all protests and objections to, it. It may adjourn



the hearing from time to time, not exceeding two months in all.

914. Upon the hearing of the petition the board of supervisors shall determine whether it complies with the provisions of this chapter and whether the public necessity or the welfare of the inhabitants of the proposed territory requires the formation of the district. Finding

914.5. If the petition is signed by registered voters of each unit of the proposed district, not less in number than 20 percent of the entire vote cast in each unit respectively for the office of Governor at the last gubernatorial election, and contains a request that the ordinance be submitted immediately to a vote of the people at a special election, the board of supervisors shall either: Submission to vote of people

(a) Pass the ordinance without alteration at a regular meeting within 30 days after the petition is presented; or

(b) Order the matter of the creation of the proposed district to be submitted immediately to the voters registered in the proposed district at an election to be called for that purpose.

(Added by Stats. 1947, Ch. 1092.)

914.6. If at the election a majority of all those voting upon the creation of the district, and a majority of those voting thereon in each unit of the proposed district is in favor of the formation of the district, the board of supervisors shall make an order forming the district, and thereupon it is formed. The order shall contain the name of the district and indicate its territorial extent. Order

(Added by Stats. 1947, Ch. 1092.)

915. On the final hearing the board shall make such changes in the proposed boundaries as may be advisable and shall define and establish the boundaries. Changes in boundary

If the board deems it proper to include in the district any territory not included within the boundaries proposed in the petition, the board shall first give notice of its intention to do so. in the manner required for notice of the initial hearing.

916. No defect in the contents of the petition or in the title to or form of the notice or signatures, or lack of signatures thereto, shall vitiate any proceedings if the petition has a sufficient number of qualified signatures. Defects

917. The findings of the board of supervisors are final and conclusive against all persons except the State in a suit commenced by the Attorney General. Finality

918. If it appears to the board of supervisors that the petition complies with the provisions of this chapter and that the public necessity or the welfare of the inhabitants requires the formation of the district, it shall by an order entered on its minutes declare its findings, and shall declare and order that the territory within the boundaries so fixed and determined be established as a district, under an appropriate name selected by the board. The name shall include the words "local health district." Order establishing district

Consent of  
counties

919. No district involving more than one county shall be formed without the concurrent consent of the respective board of supervisors of each of the counties, as well as the consent of the cities included.

Transmission  
of order to  
Secretary  
of State

920. The county clerk of the county in which the order is issued shall immediately file a certified copy of the order with the Secretary of State and with the county clerk of each county in which, or any portion of, the district is situated.

Certificate  
of incorpo-  
ration

Within 10 days after the filing the Secretary of State shall issue and deliver to the county clerk a certificate of incorporation reciting that the district (naming it) has been incorporated.

The county clerk shall deliver the certificate of incorporation to the board of trustees of the district at its first meeting.

Effective  
date

921. From and after the date of the certificate of incorporation, the district is incorporated as a district with all the rights, privileges, and powers set forth in this chapter and those necessarily incident thereto.

Delivery of  
orders to  
Secretary  
of State

922. The district is incorporated when the respective counties have fully complied with this chapter, and when the Secretary of State has received the respective certified copies of the orders of the counties and delivered to the respective county clerks within the time specified in this chapter his certificate of incorporation reciting that the district has been incorporated.

### Article 3. Board of Trustees

Board

925. The governing board of the district is called "the board of trustees of ---- Local Health District" (inserting the name of the particular district).

Within 30 days after the issuance by the Secretary of State of the certificate of incorporation of the district, the district board shall be appointed.

Membership

926. The district board shall consist of at least five members and shall be created as follows:

(a) The governing body of each county within the district shall appoint one member of the board of trustees for each one hundred thousand (100,000) population of the unincorporated area of the county or fraction thereof, excluding the population of the cities within the county, except that where the population of the unincorporated area exceeds three hundred thousand (300,000) not more than three (3) members shall be appointed by the board of supervisors. For purposes of representation cities of two thousand five hundred (2,500) or less shall be included in the unincorporated area.

(b) The governing body of each city within the district, except cities of two thousand five hundred (2,500) population or less, shall appoint one member of the board of trustees for each one hundred thousand (100,000) population within the city or fraction thereof but no city shall appoint more than three (3) members of the board of trustees.

(c) The board of trustees shall consist of at least five (5) members. If the board of trustees established under subdivisions (a) and (b) has less than five members, additional members shall be appointed according to one of the following methods:

(1) If the district is in one county only, the governing body of that county shall appoint enough additional members to make a board of trustees of five members.

(2) If the district is in two or more counties the governing bodies of the counties shall jointly appoint enough additional members to make a board of trustees of five members.

(d) The provisions of this section shall not affect districts organized before the passage of this act.

(Amended by Stats. 1947, Ch. 1092.)

926a. This section shall govern and control the number of members of district boards and the manner of their respective appointments in all districts organized before September 19, 1947.

Same:  
Districts  
organized  
before  
September  
19, 1947

The district board shall consist of at least five members. One member shall be appointed from each unit of unincorporated territory by the board of supervisors of the county in which the unit is situated.

One member shall be appointed from each city in the district, by the governing body of the city.

If the district board thereby created consists of less than five members additional members shall be appointed according to one of the following methods:

(a) If the district is in one county only the board of supervisors shall make the appointment from the district at large of enough additional members to make a board of five trustees.

(b) If there are several units of the district in more than one county, one additional member by the board of supervisors of each county where a unit is situated.

(c) By the boards of supervisors jointly if the district includes units in several counties and only one additional member is to be appointed.

(Added by Stats. 1951, Ch. 1255.)

927. A vacancy shall be filled by the appointing power for **the unexpired term.**

Vacancy

928. The members shall hold office for the term of four years from the second day of the calendar year next succeeding their appointment; however, the members of the first district board appointed in a district shall at the first meeting of the board so classify themselves by lot that one-half of their number, if the total membership is an even number, and if uneven, that a bare majority of their number, shall go out of office at the expiration of two years from and the remainder at the expiration of four years from, the second day of the calendar year next succeeding their appointment.

Terms

Provided, however, the district board of any district organized prior to September 19, 1947, may at any time provide that the terms of all its members shall terminate as of January 1st in



the year next succeeding that in which such provision is made, in which event members of the district board shall be appointed pursuant to Section 926a to take office on the January 2d immediately following such termination. The members of the board so appointed shall classify themselves, and they and their successors shall hold office, in the same manner and for the same terms as provided in this section for members of the first district board and their successors.

(Amended by Stats. 1947, Ch. 1092, and by Stats. 1951, Ch. 1254.)

First  
meeting

929. The members of the district board shall meet on the first Monday subsequent to 30 days after the issuance of the certificate of incorporation by the Secretary of State, and shall organize by the election of one of their members as president and one as secretary.

Compensation

930. The members of the district board shall serve without compensation except that each shall be allowed his actual necessary traveling and incidental expenses incurred in attending meetings of the board.

Meetings

931. The district board shall provide for the time and place of holding its regular meetings and the manner of calling them, and shall establish rules for its proceedings and may adopt such rules and regulations as may be necessary for the exercise of its powers and duties.

Special meetings of the district board may be called by three members upon notice mailed to each member at least 48 hours before the meeting.

All of its sessions, whether regular or special, shall be open to the public, and a majority of the members shall constitute a quorum for the transaction of business.

#### Article 4. District Powers

Powers

935. A local health district may exercise the powers in this chapter granted or necessarily implied.

Powers  
enumerated

936. A district may do any or all of the following:

(a) Have and use a corporate seal and alter it at pleasure.

(b) Sue and be sued in all actions and proceedings.

(c) Purchase, receive, have, take, hold, lease, use, and enjoy property of every kind and description, both within and without the limits of the district, and control, dispose of, convey, and encumber it and create a leasehold interest in it for the benefit of the district.

(d) Acquire, construct, maintain, and operate all works and equipment necessary for the inspection of water, milk, meat, and other foods.

(e) Acquire, construct, maintain, and operate all works and equipment necessary for the extermination of rodents.

(f) Acquire, construct, maintain, and operate all works and equipment necessary for the disposal of garbage and waste.

(g) Employ public health nurses and health visitors and cooperate with educational authorities in health inspection in public or private schools in the district.

(h) Exercise the right of eminent domain for the purpose of acquiring real or personal property of every kind necessary to the exercise of any of the powers of the district.

(i) Enforce all statutes relating to the public health and vital statistics, and all orders, quarantine regulations, and rules prescribed by the State Department of Public Health and other rules and regulations issued under the provisions of this code.

(j) Enforce such local orders and ordinances pertaining to health and sanitary matters within the district as may be authorized by the appropriate local authorities.

(k) Unite with any other local health district in the exercise of any of the powers granted to and vested in the district, the cost to be paid by each district in such proportion as may be agreed upon by the respective district boards.

(l) Exercise all other needful powers for the preservation of the health of the inhabitants of the district, whether the powers are expressly enumerated in this chapter or not.

The powers granted in this chapter shall be liberally construed for the purpose of securing the well-being of the inhabitants of the district. Construction  
of chapter

(Amended by Stats. 1949, Ch. 968.)

## Article 5. Administration and Operation

940. The district board shall appoint and fix the compensation of a district health officer, who may be removed by the board only by a two-thirds vote of the members. He shall be the holder of a degree in medicine, in sanitary engineering, or in public health, and shall have had at least one year's experience in public health work. He shall devote his entire time to the duties of his office and shall not engage in any other occupation or business. Health officer

941. The district board shall provide suitable supplies, equipment, and office facilities for the district health officer and, upon his recommendation, shall fix the compensation and define the powers and duties of such deputies and assistants as the board may deem necessary to carry out the provisions of this chapter. Offices, employees, etc.

If a meat inspector is employed, he shall be a graduate veterinarian legally qualified to practice veterinary medicine in the State.

942. The district health officer, his deputies, and his assistants, shall receive their actual necessary expenses incurred in the performance of their duties. In enforcing State statutes, orders, regulations, and rules, and local orders and ordinances the district health officer shall have such powers as are or may be hereafter conferred by general law upon county or city health officers. Expenses  
Powers of health officer

943. All district officers, deputies, and assistants, other than the health officer and the members of the district board, shall Appointments

be appointed and may be removed by the district board on the recommendation of the district health officer, subject to such rules and regulations as the district board may adopt for the appointment and employment of deputies and assistants, based on merit, efficiency, character, and industry.

Powers of  
health officer

944. The district health officer is the administrative head of the district and, except as otherwise prescribed in this chapter, shall exercise the powers granted to and vested in the district; except that he may not purchase property or incur expenditures without the approval or ratification of the district board.

## Article 6. Finances and Taxation

Annual tax

950. Annually, at least 15 days before the first day of the month in which county taxes are levied, the district board shall furnish to the board of supervisors of the county in which any part of the district is situated an estimate in writing of the amount of money necessary for all purposes required under the provisions of this chapter during the next ensuing fiscal year.

Thereupon the board of supervisors shall levy a special tax upon all taxable property of the county lying within the district sufficient in amount to maintain the district.

Apportion-  
ment

951. If the district embraces territory lying in more than one county, the amount estimated shall be ratably apportioned among the several counties in the district in proportion to the assessed value of the property in the several counties included within the district as shown upon the last assessment rolls of the counties, and the estimate apportioned to the several counties shall be rendered to their respective boards of supervisors and the tax shall be levied and collected by the officials of each county upon the property of the district lying therein.

Rate

952. The tax for a district shall in no case exceed the rate of fifteen cents (\$0.15) on each one hundred dollars (\$100) of the assessed valuation of all taxable property within the district, but it may be in addition to all other taxes.

Collection

953. The tax shall be computed, entered upon the tax rolls, and collected in the same manner as county taxes are computed, entered, and collected. All moneys so collected shall be paid into the county treasury to the credit of the district fund and shall be paid out on the order of the district board, signed by the president and secretary.

## Article 7. Annexation of Territory

Annexable  
territory

958. Any territory, incorporated or unincorporated, lying adjacent and contiguous to a district, may be annexed to the district at any time upon proceedings being had and taken as provided in this chapter; except that in the annexation the territory of a city shall not be divided.



959. Upon receiving a written petition containing a description of territory proposed to be annexed to the district, signed by the owners of more than one-half of the assessed value of the territory as shown by the last county assessment roll, and asking for annexation to the district, the district board shall thereupon submit to the electors of the district and to the electors residing in the territory proposed to be annexed, the proposition whether the territory shall be annexed to the district. Petition

960. The election shall be called and held, and notice shall be published for at least four weeks prior to the election in a newspaper printed and published in the district, and also in a newspaper printed and published in the territory proposed to be annexed. Election

961. The proposition to be submitted to the electors at the election, both within the district and within the territory proposed to be annexed, shall be as follows: "For annexation," and "Against annexation," or equivalent words. Ballot

962. The district board shall canvass the votes cast in the district, and the votes cast in the territory proposed to be annexed, and if it appears from the canvass that a majority of all the ballots cast in the district and a majority of all the ballots cast in the territory proposed to be annexed are in favor of annexation, the district board shall certify that fact to the Secretary of State, describing the property proposed to be annexed. Canvass of votes

Upon receipt of the certificate, the Secretary of State shall issue his certificate of annexation reciting that the territory (describing it) has been annexed to the ----- Local Health District (naming it), and a copy of the certificate of the Secretary of State shall be transmitted to and filed with the county clerk of each county in which any portion of the district is situated. Certificate of annexation

963. From and after the date of the certificate of annexation the territory described in it is annexed to and forms a part of the district. Effect

964. If the property proposed to be annexed includes a city, consent to annexation shall first be obtained from its governing body and an authenticated copy of the resolution or order giving consent shall be attached to and made a part of the petition. Consent of city

## Article 8. Dissolution

967. A district may at any time be dissolved upon the vote of two-thirds of its qualified electors voting at an election called by the district board upon the question of dissolution and the proposition which shall be submitted to the electors at the election shall be as follows: "Shall the district be dissolved?" Election

968. The election shall be called and held, and notice shall be published for at least four weeks prior to the election in a newspaper printed and published in the district. Notice

Certificate of  
dissolution

969. If two-thirds of the votes cast at the election are in favor of dissolution, the district board shall certify the fact to the Secretary of State, and upon receipt of the certificate, the Secretary of State shall issue his certificate of dissolution reciting that the district (naming it) has been dissolved, and a copy of the certificate shall be transmitted to and filed with the county clerk of each county in which any portion of the district is situated.

Property

970. From and after the date of the certificate of dissolution the district is disincorporated and the property of the district shall be ratably apportioned among the several cities included in the district and the counties in which any portion of the district is situated, in proportion to the assessed value of the property included within the district as shown upon the last county assessment roll or rolls.

Contract:  
State  
Employees'  
Retirement  
System

971. The governing body of each district created herein may enter into a contract with the Board of Administration, California State Employees' Retirement System, making its employees members of that system. Such contracts shall be subject to the provisions of the State Employees' Retirement Law governing contracts between governing bodies of public agencies and said board, except that an election among the employees of districts shall not be held.

(Added by Stats. 1947, Ch. 1092.)

Transfer of  
employee  
to district

972. If an employee of a public agency ceases to be such an employee and enters the employ of a district created herein, because of transfer of a health function from said public agency to said district, and if said employee was a member of a retirement system maintained by the public agency, credit as prior service shall be given under the State Employees' Retirement System, for any service which otherwise would have been credited to said employee under the public agency's retirement system; provided, that said employee shall pay forthwith to said State Employees' Retirement System an amount equal to the accumulated contributions refunded to him by the public agency's retirement system.

(Added by Stats. 1947, Ch. 1092.)

## CHAPTER 7. MUNICIPAL AND COUNTY LABORATORIES

Purposes

1000. For the purpose of protecting the community against infectious disease, any city or county may establish a bacteriological and chemical laboratory for the examination of specimens from suspected cases of disease and for the examination of milk, waters, and food products.

Cost

1001. The cost of establishment and maintenance of the laboratory is a legal expenditure from any city or county funds that are for disbursement under the direction of the city or county health officer for the protection of public health.

Approval  
by State  
department

1002. Any city or county laboratory established for the purposes set forth in this chapter shall use only equipment

and employ only technical personnel that meets with the approval of the State department.

(Amended by Stats. 1939, Ch. 259.)

## CHAPTER 8. STATE AID FOR LOCAL HEALTH ADMINISTRATION

(Chapter 8 added by Stats. 1947, Ch. 1562)

### Article 1. Definitions and General Policy

1100. The rapid increase in the population of the State and the increasing industrialization in both the urban and rural areas necessitate the provision of effective public health services to all the people of the State. Policy

In many areas within the State local public health agencies (that is, health departments of counties, cities and local health districts) lack the necessary funds, and the local population lack the means to furnish funds, to provide effective public health services.

The Legislature therefore seeks to further the provision of necessary public health services by granting financial assistance to cities, counties, and local health districts, thus enabling them to meet present and future health needs in an efficient and effective manner. The funds to be granted are to augment local appropriations provided for public health purposes, and shall not be used to replace local appropriations.

The administrative pattern providing public health services to all the people of the State will vary in different areas. It is generally recognized that the minimum population necessary for efficient administration of a local public health unit is approximately 50,000. To attain this desirable population minimum it will be necessary in some areas for two or more counties to unite and establish a single administrative public health unit. Minimum population for public health unit

(Added by Stats. 1947, Ch. 1562.)

1101. "Population," for the purpose of this chapter, shall be determined by the most recent United States decennial census; provided, however, whenever it appears to the State Department of Public Health that the population of any city, county, or city and county has changed sufficiently to warrant adjustment, the State Department of Public Health for purposes of this chapter may determine population for cities, counties, and cities and counties. "Population"

(Added by Stats. 1947, Ch. 1562.)

1102. For the purposes of this chapter a "local health department" shall be interpreted to mean any one of the following public health administrative organizations: "Local health department"

(a) A local health district created pursuant to Division 1, Part 2, Chapter 6 of the Health and Safety Code, which includes territory in one or more counties, and which includes at least all of the cities which have less than 50,000 population in such county or counties.



(b) A local health department serving one or more counties which shall on the effective date of this act and thereafter provide services to all cities whose population is less than 50,000 in addition to the unincorporated territory of such county or counties.

(c) A county health department which does not serve all of the cities of less than 50,000 population, but which has the provisional approval of the State Department of Public Health, in accordance with Section 1140.

(d) The health department of a city of 50,000 or greater population, except that the governing body of such city by resolution may declare its intention to be included under the jurisdiction of the county health department, or of the local health district serving other territory in such county, as provided by existing statutes.

(e) The local health department of any county which had under its jurisdiction on the effective date of this chapter a population in excess of 1,000,000, or the local health department of any city and county.

(Added by Stats. 1947, Ch. 1562; amended by Stats. 1949, Ch. 967, and by Stats. 1951, Ch. 94.)

## Article 2. Administration

### California Conference of Local Health Officers

1110. There is hereby established a California Conference of Local Health Officers with which the board and the department shall consult in establishing standards as provided in this chapter. The conference shall consist of all legally appointed local health officers in the State. It shall organize, and shall annually elect a president, a vice president and a secretary, who shall serve as the executive committee of the conference and each of whom shall be a full-time local health officer. The president of the conference, after consultation with the director, shall appoint, for the purpose of advising with the director, such other committees of the conference as may from time to time be necessary.

### Meetings

Meetings of the conference for the purpose of this chapter shall be called by the director who shall give the members at least ten (10) days' notice of such meetings. At official sessions of meetings of the conference the director shall preside; provided, however, that the conference may hold additional sessions as may be determined by the executive committee of the conference at which the president or other member of the conference shall preside. Those members present at official sessions shall be considered as making up a quorum.

### Expenses

Actual and necessary expenses incident to attendance at not more than two meetings per year of the conference shall be a legal charge against the local governmental unit. Actual and necessary expenses incident to attendance at special meetings of the committees of the conference called by the director shall be a legal charge against any funds available for administration of this chapter.

(Added by Stats. 1947, Ch. 1562.)

1110.5. Nothing in this chapter or in any rule or regulation prescribed by the State Department of Public Health in accordance herewith shall compel any practitioner who treats the sick by prayer in the practice of the religion of any well recognized church, sect, denomination, or organization or any persons covered by Sections 2731 and 2800 of the Business and Professions Code to give any information about a disease or disability which is not infectious, contagious, or communicable or authorize any compulsory education, medical examination, or medical treatment.

Information  
about  
disease or  
disability

(Added by Stats. 1947, Ch. 1562.)

1111. The State Department of Public Health shall administer this chapter and the State Board of Public Health shall adopt rules and regulations necessary thereto; provided, however, that such rules and regulations shall be adopted only after consultation with and approval by the California Conference of Local Health Officers. Approval of such rules and regulations shall be by majority vote of those present at an official session.

Administra-  
tion, rules  
and regu-  
lations

(Added by Stats. 1947, Ch. 1562.)

1112. The State Department of Public Health may provide for consultant and advisory services and for the training of technical and professional personnel in educational institutions and field training centers approved by said department, and for the establishment and maintenance of field training centers in local health departments and in the State Department of Public Health.

Consultant  
service

(Added by Stats. 1947, Ch. 1562.)

### Article 3. Qualification for Financial Assistance

1120. Such health departments as qualify for assistance as provided herein, on or after the effective date of this chapter, shall receive such financial aid as hereinafter provided as of the date of their becoming eligible.

Financial  
assistance

(Added by Stats. 1947, Ch. 1562.)

### Article 4. Standards

1130. The State Department of Public Health, after consultation with and approval by the Conference of Local Health Officers, shall by board regulations establish standards of education and experience for professional and technical personnel employed in local health departments and for the organization and operation of the local health departments. Such standards may include the maintenance of records of services, finances and expenditures, which shall be reported to the State Department of Public Health in a manner and at such times as it may specify.

Standards  
of educa-  
tion, etc.

(Added by Stats. 1947, Ch. 1562.)

### Article 5. State Aid

1140. Provisional approval may be given by the State Department of Public Health to a county health department which meets minimum standards as provided for in this chapter, but

Provisional  
approval

which does not serve all cities of less than 50,000 population within such county.

(Added by Stats. 1947, Ch. 1562; amended by Stats. 1949, Ch. 967 and by Stats. 1951, Ch. 94.)

Allocation

1141. From the appropriation made for the purposes of this article, allocation shall be made to the administrative bodies of qualifying local health departments in the following manner:

(a) A basic allotment as follows:

To the administrative bodies of local health departments serving the territory in one or more counties a basic allotment of sixteen thousand dollars (\$16,000) per county or sixty cents (\$.60) per capita per county, whichever is the lesser; provided, however, that if a county is divided into two or more local health department jurisdictions the basic allotment shall be divided between the departments in proportion to the population served by each department, except that no funds shall be available to any city of less than 50,000 population for the maintenance of an independent health department.

(b) A per capita allotment, determined as follows:

After deducting the amounts allowed for the basic allotment as provided in this section, the balance of the appropriation shall be allotted on a per capita basis to the administrative body of each local health department in the proportion that the population of that local health department jurisdiction bears to the population of the State as a whole.

(Added by Stats. 1947, Ch. 1562.)

Notice

1153. After determining the total amounts available to each area, the State Department of Public Health shall notify the governing body of each local health department of such amount, and of the conditions governing its availability.

(Added by Stats. 1947, Ch. 1562.)

Local funds

1154. No funds appropriated for the purposes of this article shall be allocated to any local health department unless the governing body of such local health department has appropriated for the same period from local funds for the support of such local health department an amount equal to at least twice the per capita allotment provided in Section 1141 (b) of this chapter, such local funds to be wholly exclusive of any state or federal funds received or receivable. Actual expenditures of local funds, exclusive of state or federal funds received, shall be not less than this proportion of the total expenditures.

(Added by Stats. 1947, Ch. 1562.)

Minimum standards

1155. No funds appropriated for the purposes of this article shall be allocated to any local health department whose professional and technical personnel and whose organization and program do not meet the minimum standards established by the State Department of Public Health.

(Added by Stats. 1947, Ch. 1562.)

Payments quarterly

1156. The basic and per capita allotments shall be paid quarterly to the administrative body of each qualifying local health department. Each quarterly payment may be adjusted



on a basis of the actual expenditures during the previous quarter, if such adjustment is necessary to maintain the minimum proportional relationship of state and local expenditures as outlined in Section 1154. The State Department of Public Health shall certify to the State Controller the amounts to be paid to each local health department each quarter and the State Controller shall thereupon draw the necessary warrants, and the State Treasurer shall pay to the administrative body of each local health department the amount so certified. Any such payments may be withheld by the State Department of Public Health if a local health department fails to continue to meet the minimum standards established, provided that not less than 45 days' advance notice of intention to withhold such payments, and the reasons therefor, shall be given to the governing body of the local health department.

Withholding  
payments

(Added by Stats. 1947, Ch. 1562.)

## DIVISION 2. LICENSING PROVISIONS

### CHAPTER 1. CLINICS AND DISPENSARIES

#### Article 1. Definitions and General Provisions

1200. "Clinic" as used in this chapter, includes "dispensary."

1201. "Operate," as used in this chapter, and any of its variants, includes "conduct" and "maintain," and any of their variants.

1202. A clinic is a place, establishment, or institution operated by any person for the purpose of furnishing at the place, establishment, or institution, either independently or in connection with any other purpose, under the name or title of clinic, dispensary, health center, or any other word or phrase of like or similar import, without charge, for part pay, or for full pay, advice, diagnosis, treatment, medicines, drugs, appliances, or apparatus to any person not residing or confined in the place, establishment, or institution and who is afflicted with bodily or mental disease, or injury. A clinic does not include governmental health officers or school employees performing the duties, respectively, of their office or employment, for the purpose of advising and informing persons of means and measures to prevent or avoid disease or injury.

1203. Clinics are of the classes defined in this chapter.

1204. A charitable clinic is a clinic supported and maintained in whole or in part by donations, devises, bequests, gifts, or charity, in which advice and treatment concerning bodily and mental diseases and injuries is given without charge. The making and collecting from persons advised or treated in a charitable clinic of a nominal charge on account of administrative costs, if approved by the director, does not affect the status or classification of a charitable clinic.

Classes

Charitable

Teaching and  
research

1205. A teaching and research clinic is:

(a) A clinic operated in connection with and as a part of any institution of learning, approved as to the mode of healing taught by the State agency having jurisdiction, for the teaching of any mode of healing recognized by the laws of this State.

(b) A clinic operated for the purposes of teaching medicine, surgery, dentistry, optometry, osteopathy, chiropractic, or drugless healing, or for research in subjects pertaining thereto or to public health, and supported in whole or part by any trust donation, bequest or foundation, the purposes of which are approved by the State Board of Public Health.

(Amended by Stats. 1941, Ch. 487.)

Employer's  
clinic

1206. An employer's clinic is a clinic operated without profit to the employer, by an employer for the prevention and treatment of accidental injuries to, and the care of the health of, his employees only.

Private pay  
clinic

1207. A private pay clinic is a clinic operated by any practitioner of the healing arts licensed to practice under any law of the State, who uses or holds out to the public the designation of clinic, dispensary, health center, or any other word or phrase of like import, and who charges and collects fees from persons advised or treated by him in such clinic for advice, diagnosis, treatment, service, or for drugs, medicines, appliances, or apparatus.

Governmental  
clinic

1208. A governmental clinic is a clinic operated by this State, or by any political subdivision, county, district, or city in this State.

Operation by  
corporation

1209. No corporation, other than a charitable, benevolent, or educational corporation, shall operate a charitable or a teaching and research clinic, and no person shall operate a charitable or a teaching and research clinic, except for benevolent, charitable, or educational purposes.

Employer's  
clinic

1210. No person other than an employer shall operate an employer's clinic.

Private pay  
clinic

1211. No employer's clinic shall be operated for profit.  
1212. No private pay clinic shall be operated by a corporation or by any person not duly licensed under the laws of the State to practice medicine, surgery, dentistry, optometry, osteopathy, chiropractic, or drugless healing.

(Amended by Stats. 1941, Ch. 487.)

Operation  
by United  
States

1213. This chapter does not apply to clinics operated by the United States of America or by any of its departments, officers, or agencies.

Application  
of chapter

1214. This chapter does not authorize any person other than a licensed practitioner of a healing art, or any corporation, except as expressly provided in this chapter, to furnish to any person medical or surgical advice, services, or treatment.

This chapter does not authorize any person other than a licentiate of a healing art to engage directly or indirectly in the practice of medicine, or surgery, or dentistry, or optometry.

This chapter does not regulate, govern, or affect in any manner the practice of medicine, surgery, dentistry, optometry, osteopathy, chiropractic, or drugless healing by any person duly licensed to engage in such practice.

This chapter does not repeal, alter, modify, or otherwise affect any act defining, or governing, or regulating the practice of medicine, surgery, dentistry, optometry, osteopathy, chiropractic, or drugless healing.

(Amended by Stats. 1941, Ch. 487.)

1215. The provisions of this chapter do not apply to hospitals or hospital departments wholly or partly maintained by an employer for the purpose of furnishing his employees with medical or surgical examination or treatment or to any hospital corporation organized and operated exclusively for charitable purposes, or to any teaching or educational institution exempt from income taxation under the Federal revenue acts.

Scope of chapter

(Amended by Stats. 1943, Ch. 407.)

## Article 2. Permits to Operate

1218. All persons now operating or hereafter desiring to operate a clinic shall make written application to the board for a permit to operate.

Permit

1219. The application shall contain at least the following:

Application

(a) The name and the address of the persons owning the place, establishment, or institution in which the clinic is to be, or is, operated.

(b) The name and the address of the persons operating or to operate the clinic.

(c) The class of clinic operated or proposed to be operated.

(d) The name and address of the professional licentiate responsible for the operation of the clinic.

(e) The kind and nature of the advice and treatment given or to be given.

(f) A full description of the building, its location, facilities, equipment, apparatus, and appliances to be furnished or used in the operation of the clinic.

(g) The sources of the funds and income for the operation of the clinic.

(h) The amount of the administrative or other charges, if any, to be made against patients.

(i) Except in the case of private pay clinics, the schedule of fees, if any, to be charged patients.

(j) Such additional information as the director and the board may require by any rule or regulation.

1220. The application shall be verified, before an officer of the State authorized to administer oaths, by the person, or a member of the firm or association, or an officer of the corporation, making the application.

Verification of application

1221. Application for renewal of permit shall be made annually by every person holding a permit to operate a clinic; but no application for renewal need be made by any person

Renewal



desiring to continue the operation of an employer's clinic, or a research clinic operating under a nonprofit foundation registered with the United States Government for tax exemption.

**Investigation** 1222. Upon the filing of any application for a permit or for renewal, the director shall investigate the facts set forth in the application. Where a hearing is held under this section the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

(Amended by Stats. 1945, Ch. 891.)

**Report** 1223. If he finds that the statements contained in the application are true and that the establishment or the continued operation of the clinic is in conformity with the intent and purpose of this chapter and that there is need for the clinic in the community in which it is or is proposed to be operated, and that the establishment or its continued operation is for the benefit of the public health, he shall so report to the board and the board shall issue a permit.

**Contents of permit** 1224. The permits shall contain at least the following:

(a) The name and address of the clinic and of its owner.

(b) The name and address of the person charged with the operation of the clinic.

(c) The class of clinic licensed to be operated thereunder.

(d) The year covered by the permit.

All permits shall be signed or countersigned by the director.

**Refusal of permit** 1225. If the board does not within three months after the filing of the application issue a permit, it shall state the grounds and reasons for its refusal in writing, furnishing a copy to the applicant.

**Examination, inspection, etc.** 1226. The director may at any time visit, enter, examine, and inspect the premises occupied, maintained, and conducted by any clinic, and may examine all matters in relation thereto. The board may designate any city or county health officer its agent for the purpose of this chapter.

**Revocation of permit** 1227. Permits may be revoked for violations of this chapter. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

(Amended by Stats. 1945, Ch. 891.)

1228. (Repealed by Stats. 1945, Ch. 891.)

### Article 3. Regulations

**List of clinics** 1230. The director shall annually compile a list of the clinics operated by the United States, or any of its departments, officials, or agencies, in this State, and a record showing the address at which each is situated, the department or official or agency of the United States operating the clinic, the purpose of the clinic, and such other obtainable information as the director or the board requires of the other classes of clinics by any rule or regulation adopted under the provisions of this chapter.

1231. The board may make reasonable rules and regulations for the operation of clinics in order: Rules and regulations

(a) To provide adequate facilities, equipment, and appliances.

(b) To provide the attendance and services of duly qualified licensed practitioners of the healing arts.

(c) To secure sufficient information showing the necessity, basis, and method of any appeal to the public for funds for the support of a clinic so as to avoid unnecessary or wasteful duplication of services, and to show the need of the community, or of the persons proposed to be advised or treated, for the service rendered or proposed to be rendered.

(d) To regulate the purposes and objects for which funds designated in subdivision (c) are applied and to amend or repeal any thereof.

1232. Any person operating a clinic shall display in a public place in the clinic the permit to operate the clinic. Posting permit

1233. Every clinic holding a permit shall on or before the fifteenth day of February of each year file with the board, upon forms to be furnished by the board, a verified report showing all of the following: Report of clinic

(a) The number of patients treated in the clinic during the year preceding the making of the report.

(b) The aggregate amount of administration or other charges or fees collected from the patients.

(c) The total amount of money and property received by the clinic, its owner, or manager from all other sources for the support, maintenance, or operation of the clinic.

(d) Such other information and data as the board shall require in the forms of report, to enable the board to carry out the purposes of this chapter.

1234. The board shall file an annual report which shall include: Report of board

(a) A list of the clinics holding permits granted under this chapter and all clinics operated by the United States or any of its departments, officers or agencies, setting forth the name, address, and class of each clinic, and such other information and data as the board shall require in the furtherance of the public health.

(b) The list of clinics provided for in this chapter.

(c) The rules and regulations provided for in this chapter and then in force.

1235. The report shall be printed and published at least once a year and distributed at the cost of printing by the board. Publication of report

#### Article 4. Revenue

1240. All clinics other than governmental clinics shall pay prior to the issuance of a permit to operate an annual permit fee to the board in the sum of twenty dollars (\$20). Permit fee

1241. Within 10 days from the beginning of each month, the director shall report to the State Controller the amounts Report of collections

and source of the collections made under the provisions of this chapter.

Deposit of  
funds

1242. At the same time all money so collected shall be paid into the State treasury.

(Amended by Stats. 1945, Ch. 1211.)

1243. (Added by Stats. 1939, Ch. 103; repealed by Stats. 1945, Ch. 1211.)

#### Article 5. Offenses

Penalty

1251. Every person who operates any clinic without first having obtained a permit to operate it, or who operates it without complying with this chapter, or any rule or regulation provided for in this chapter, is guilty of a misdemeanor.

#### CHAPTER 2. HOSPITALS

(Chapter 2 repealed and added by Stats. 1945, Ch. 1418)

License  
required

1400. No person, political subdivision of the State, or other governmental agency within the State, shall establish, conduct or maintain in this State any hospital without first obtaining a license therefor as provided in this chapter.

(Repealed and added by Stats. 1945, Ch. 1418.)

"Hospital"

1401. As used in this chapter, "hospital" means any institution, place, building, or agency which maintains and operates organized facilities for the diagnosis, care, and treatment of human illness, including convalescence and including care during and after pregnancy, or which maintains and operates organized facilities for any such purpose, and to which persons may be admitted for overnight stay or longer. "Hospital" includes sanatorium, rest home, nursing home, maternity home, and lying-in asylum.

(Repealed and added by Stats. 1945, Ch. 1418.)

Application

1402. Any person, political subdivision of the State or governmental agency desiring a license under the provisions of this chapter shall file with the State department a verified application on a form prescribed, prepared and furnished by the department, containing:

Contents

(a) The name of the applicant, and if an individual, whether the applicant has attained the age of 21 years.

(b) The type of institution to be operated.

(c) The location thereof.

(d) The name of the person in charge thereof.

(e) Such other information as may be required by the State department for the proper administration and enforcement of this chapter.

(f) Evidence satisfactory to the State department that the applicant is of reputable and responsible character. If applicant is a firm, association, organization, partnership, business trust, corporation, or company, like evidence shall be submitted as to the members thereof, and the person in charge of the institution for which application for license is made. If the applicant is a political subdivision of the State or other governmental agency, like evidence shall be submitted as to the per-



son in charge of the institution for which application for license is made.

(g) Evidence satisfactory to the State department of the ability of the applicant to comply with the provisions of this chapter and of rules and regulations promulgated under this chapter by the State department.

(Repealed and added by Stats. 1945, Ch. 1418.)

1403. Each application for a license under this chapter, Fees except applications by local hospital districts, and applications by cities, shall be accompanied by a fee determined by the number of beds, exclusive of bassinets, maintained for the use of patients, according to the following schedule of fees:

(a) Less than 50 beds—twenty dollars (\$20);

(b) Fifty beds or more and less than 100 beds—thirty dollars (\$30);

(c) One hundred beds or more and less than 200 beds—forty dollars (\$40);

(d) Two hundred beds or more—fifty dollars (\$50).

(Repealed and added by Stats. 1945, Ch. 1418; amended by Stats. 1947, Ch. 1486.)

1404. Each license issued under this chapter shall expire at midnight on the thirty-first day of December of each calendar year and shall be renewed automatically upon the payment of the fee provided for in Section 1403, unless the department finds, after hearing, that the hospital has not complied with the provisions of this chapter or the rules and regulations of the department, and returns the fee to the applicant. Expiration and renewal of license

(Repealed and added by Stats. 1945, Ch. 1418.)

1405. No person, political subdivision of the State, or other governmental agency within the State, shall continue to operate, conduct or maintain an existing hospital after January 1, 1946, without having applied for and obtained a license as provided in this chapter. Existing hospitals

(Repealed and added by Stats. 1945, Ch. 1418.)

1406. Upon the filing of the application for license provided for and full compliance with the provisions of this chapter and the rules and regulations promulgated under this chapter by the State department, the department shall issue to the applicant the license applied for. Issuance of license

(Amended by Stats. 1945, Ch. 892; repealed and added by Stats. 1945, Ch. 1418.)

1407. Every hospital for which a license has been issued shall be periodically inspected by a duly authorized representative of the State department. Reports of each such inspection shall be prepared by the representative conducting it upon forms prepared and furnished by the department filed with the department. Inspection

(Repealed and added by Stats. 1945, Ch. 1418.)

1408. An advisory board shall be appointed to assist, advise and make recommendations to the director and the State department in the establishment of rules and regulations Advisory board

necessary to insure the proper administration and enforcement of the provisions of this chapter and for those purposes to serve as consultants to the director.

The board shall consist of five members, four of whom shall be superintendents or administrators of hospitals with at least five years of experience as such in hospitals having an interne or resident training program, appointed by the Governor to hold office for four-year terms and until the appointment and qualification of their successors, except that the terms of the members first appointed shall expire as follows: Two shall expire on October 15, 1947; two shall expire on October 15, 1948; and one shall expire on October 15, 1949. At the time of making the appointments the Governor shall designate the term for which each member of the board is appointed.

(Repealed and added by Stats. 1945, Ch. 1418.)

Compensation

1409. Members of the advisory board shall serve without compensation but shall receive their actual and necessary expenses incurred in the performance of the duties of their office.

(Amended by Stats. 1945, Ch. 892; repealed and added by Stats. 1945, Ch. 1418.)

Chairman:  
Meetings

1410. The members of the advisory board shall annually elect one of its members to serve as chairman. The advisory board shall meet with the director at least twice each year and at such other times during the year as may be determined from time to time by the director.

(Repealed and added by Stats. 1945, Ch. 1418.)

Rules and  
regulations

1411. The State department, after consultation with the advisory board and receipt of the recommendations of the advisory board in respect thereto, shall make and promulgate, and may thereafter modify, amend, or rescind, reasonable rules and regulations to carry out the purposes of this chapter classifying hospitals and prescribing minimum standards of safety and sanitation in the physical plant, of diagnostic, therapeutic and laboratory facilities and equipment for each class of hospitals.

(Repealed and added by Stats. 1945, Ch. 1418.)

Suspension  
or revocation  
of license

1412. The State department may suspend or revoke any license issued under the provisions of this chapter upon any of the following grounds and in the manner hereinafter provided:

(a) Violation by the licensee of any of the provisions of this chapter or of any other law of this State or of the rules and regulations promulgated under this chapter.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of California in the maintenance and operation of the premises for which a license is issued.

(Added by Stats. 1945, Ch. 1418.)

1413. Proceedings for the suspension or revocation of licenses under this chapter shall be conducted in accordance with the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein. In case of conflict between the provisions of this chapter and the provisions of said Chapter 5, the latter provisions shall prevail. Procedure

(Added by Stats. 1945, Ch. 1418; repealed by Stats. 1947, Ch. 1486. Sec. 1413.5 amended and renumbered to be 1413.)

1413.5. (Added by Stats. 1945, Ch. 1418; amended and renumbered 1413 by Stats. 1947, Ch. 1486.)

1414. Any licensee whose license has been revoked may thereafter apply for a new license, and his application shall be considered and acted upon by the State department as an original application for license. Application  
for new  
license

(Added by Stats. 1945, Ch. 1418.)

1415. The provisions of this chapter do not apply to any of the following institutions: Exemptions

(a) Any hospital conducted, maintained or operated by the United States Government or a duly authorized agency thereof.

(b) Any hospital conducted, maintained or operated by this State or any state department, authority, bureau, commission, or officer, nor to any hospital conducted, maintained or operated by the Regents of the University of California, the autonomous character of the said the Regents of the University of California having been established by the provisions of Article IX, Section 9, of the Constitution of the State. However, a local hospital district or city is not a state agency or a state department, authority, bureau, commission, or officer within the meaning of this subdivision, and this subdivision does not exempt a hospital conducted, maintained, or operated by a local hospital district or city from the provisions of this chapter.

(c) Any hospital conducted by or for the adherents of any well recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.

(d) Hotels or other similar places that furnish only board and room, or either, to their guests.

(e) Establishments, institutions, homes, and other places for the reception and care of the insane, alleged insane, mentally ill, mentally deficient, or other incompetent persons referred to in Division 6 of the Welfare and Institutions Code, subject to the jurisdiction of the State Department of Mental Hygiene.

(f) Establishments, institutions, homes, and other places for the reception and care of children or of aged persons referred to in Divisions 2 and 3 of the Welfare and Institutions Code, respectively, subject to the jurisdiction of the State Department of Social Welfare.

(g) County hospitals, except that the department shall investigate, examine and make reports upon such hospitals, and



except that all plans for the use of existing buildings or for new buildings, parts of buildings, or additions to or alterations in buildings, for any such hospitals shall, before their adoption, be submitted to the department for suggestions and approval as to the social requirements of the occupants.

(Added by Stats. 1945, Ch. 1418; amended by Stats. 1947, Ch. 1486, and by Stats. 1949, Ch. 311.)

Records  
confidential

1416. Information and records concerning any licensee or applicant received by the State department under the provisions of this chapter shall not be disclosed except in a proceeding for the revocation, suspension or denial of an application for a license.

(Added by Stats. 1945, Ch. 1418.)

Penalty

1417. Any person who violates any of the provisions of this chapter or of the rules and regulations promulgated under this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars (\$500) or by imprisonment in the county jail for a period not to exceed 180 days or by both such fine and imprisonment.

(Added by Stats. 1945, Ch. 1418; amended by Stats. 1947, Ch. 1486.)

Injunction

1418. The director may bring an action to enjoin the violation or threatened violation of Section 1400 in the superior court in and for the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

(Added by Stats. 1945, Ch. 1418.)

Inspection

1419. Any officer, employee, or agent of the State Department of Public Health may enter and inspect any building or premises at any reasonable time to secure compliance with, or to prevent a violation of, any provision of this chapter.

(Added by Stats. 1947, Ch. 1486.)

Prosecution

1420. The District Attorney of every county shall, upon application by the State Department of Public Health, or its authorized representative, institute and conduct the prosecution of any action for violation within his county of any provisions of this chapter.

(Added by Stats. 1947, Ch. 1486.)

Delegation of  
authority

1421. The State Department of Public Health may delegate such of its authority under this chapter as it deems advisable to local health departments, the staffs and inspectorial services of which have the written approval of the State Department of Public Health.

(Added by Stats. 1947, Ch. 1486.)

## CHAPTER 3. ESTABLISHMENTS FOR HANDICAPPED PERSONS

(Chapter 3 added by Stats. 1947, Ch. 1462)

NOTE—Stats. 1947, Ch. 1462, which added the foregoing chapter to the Health and Safety Code, also contained this section:

SECTION 1. The purpose of this act is to provide for the better protection of the public health, which is hereby declared to be a matter of state-wide interest and concern, by providing for state licensing, inspection, and regulation of public and private establishments which render to handicapped persons other than such as are maintained by a school district or are under the jurisdiction of the Department of Education within the State any one or more of the following services: Schooling, medical advice, diagnosis or treatment, physiotherapy, any form of muscle training, massage, speech training, occupational therapy, vocational training and custodial care.

1500. This chapter may be cited as the Establishments for Short title  
Handicapped Persons Licensing Law.

(Added by Stats. 1947, Ch. 1462.)

1501. As used in this chapter the following terms have the meanings set forth in this section:

(a) "Special services" means schooling, medical advice or "Special services"  
treatment, physiotherapy, any form of muscle training, massage, speech training, occupational therapy, vocational training, and custodial care, or any of them.

(b) "Establishment" means any school, institute, institu- "Establishment"  
tion, center, custodial home, facility, or other place which provides services for handicapped persons, but does not include any sanatorium, establishment, home or institution conducted by or for the adherents of any well recognized religious sect, denomination or organization for the purpose of providing facilities for the care of handicapped persons who depend upon prayer or spiritual means for healing in the practice of the religion of such sect, denomination or organization, nor does it include any private business school or college, the principal purpose of which is the teaching of business, commercial, and vocational courses.

(Added by Stats. 1947, Ch. 1462.)

1502. No person shall establish, conduct, or maintain in this State any establishment which provides for handicapped License required  
persons organized services including any special services without first obtaining a license therefor as provided in this chapter.

(Added by Stats. 1947, Ch. 1462.)

1503. Any person, political subdivision of the State, or Application  
governmental agency desiring a license under the provisions of this chapter shall file with the state department a verified application on a form prescribed, prepared and furnished by the department, containing:

(a) The name of the applicant; and, if an individual, whether Contents  
the applicant has attained the age of 21 years.

(b) The type of establishment and the special services to be rendered by it for handicapped persons.

(c) The location thereof.

(d) The name of the person in charge thereof.

(e) Such other information as may be required by the department for the proper administration and enforcement of this act.

(f) Evidence satisfactory to the state department that the applicant is of reputable and responsible character. If applicant is a firm, association, organization, partnership, business trust, corporation, or company, like evidence shall be submitted as to the members thereof, and the person in charge of the establishment for which application for license is made. If the applicant is a political subdivision of the State or other governmental agency, like evidence shall be submitted as to the person in charge of the establishment for which application for license is made.

(g) Evidence satisfactory to the state department of the ability of the applicant to comply with the provisions of this chapter and of rules and regulations promulgated under this chapter by the state department.

(Added by Stats. 1947, Ch. 1462.)

Fees

1504. Each original application for a license under this chapter shall be accompanied by a fee of twenty-five dollars (\$25). Each application for renewal of a license under this chapter shall be accompanied by a fee determined by the total number of handicapped persons enrolled as of the date of application and receiving special services according to the following schedule of fees:

(a) Less than 30—twenty dollars (\$20).

(b) Thirty or more but less than 50—thirty dollars (\$30).

(c) Fifty or more but less than 75—forty dollars (\$40).

(d) Seventy-five or more—fifty dollars (\$50).

Establishments whose principal support is derived from taxes shall be exempt from the payment of the fees required by this section.

(Added by Stats. 1947, Ch. 1462.)

Expiration  
and renewal  
of license

1505. Each license issued under this chapter shall expire at midnight on the thirty-first day of December of each calendar year and shall be renewed automatically upon the payment of the fee provided for in Section 1504, unless the state department finds after hearing that the applicant has not complied with the provisions of this chapter or the rules and regulations of the department, and returns the fee to the applicant.

(Added by Stats. 1947, Ch. 1462.)

Existing  
establish-  
ments

1506. No person, political subdivision of the State, or other governmental agency within the State shall continue to operate or to conduct or maintain any establishment rendering special services to handicapped persons after January 1, 1948, without having applied for and obtained a license as provided in this chapter.

(Added by Stats. 1947, Ch. 1462.)

Issuance  
of license

1507. Upon the filing of the application for license and full compliance with the provisions of this chapter and the rules and regulations promulgated under this chapter by the state department, the department shall issue to the applicant the license applied for.

(Added by Stats. 1947, Ch. 1462.)



1508. The state department from time to time shall make such investigations and inspections as it deems necessary to carry out the provisions of this chapter. Advance notice of the intent to make such investigation or inspection need not be given by the department to any applicant or licensee. A report of each such investigation or inspection shall be prepared by the representative of the department conducting it upon forms prepared and furnished by the department, and shall be filed with the department upon completion of the investigation or inspection.

Investigations and inspections

(Added by Stats. 1947, Ch. 1462.)

1509. The State Board of Health shall make, promulgate, and may thereafter modify, amend or rescind, reasonable rules and regulations to carry out the purposes of this chapter, prescribing minimum standards regarding physical welfare, health, safety, and sanitation, which shall be maintained by any licensee or applicant for license under the provisions of this chapter.

Rules and regulations

The state department shall consult with and obtain the advice and recommendations of such other public or private authorities as it deems advisable in order that the minimum standards prescribed pursuant to this section shall give proper recognition to the interdependence of services concerned with mental, physical, and social welfare and education of handicapped persons. The State Board of Health shall give due consideration to such advice and recommendations in prescribing said minimum standards.

Advice and recommendations

(Added by Stats. 1947, Ch. 1462.)

1510. The state department may suspend or revoke any license issued under the provisions of this chapter upon any of the following grounds:

Suspension or revocation of license

(a) Violation by the licensee of any of the provisions of this chapter or of any other law of this State or of the rules and regulations promulgated under this chapter.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of California in the maintenance and operation of the premises for which a license is issued.

(Added by Stats. 1947, Ch. 1462.)

1511. Proceedings for the suspension or revocation of licenses under this chapter shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

Proceedings

(Added by Stats. 1947, Ch. 1462.)

1512. Any licensee whose license has been revoked may thereafter apply for a new license and his application shall be considered and acted upon by the state department as an original application.

Application for new license

(Added by Stats. 1947, Ch. 1462.)

1513. The provisions of this chapter do not apply to any of the following:

Exemptions

(a) Establishments conducted, maintained, or operated by the United States Government or a duly authorized agency thereof.

(b) Establishments whose activities are restricted solely to the reception and care of the insane, alleged insane, mentally ill, mentally deficient, or other incompetent persons referred to in Division 6 of the Welfare and Institutions Code, subject to the jurisdiction of the State Department of Mental Hygiene.

(c) Establishments subject to the licensing provisions of Chapter 2 of Division 2 of this code.

(d) Services, including special services, provided by licensed practitioners of the healing arts who are governed by Division 2 of the Business and Professions Code. However, any establishment operated, conducted, or maintained by any such licensed practitioner for the purpose of rendering special services to handicapped persons is subject to the provisions of this chapter.

(e) Establishments established, conducted or maintained by or under the jurisdiction of, the Department of Education, a county superintendent of schools or of any school district.

(Added by Stats. 1947, Ch. 1462.)

Scope of  
chapter

1514. Nothing in this chapter authorizes the state department or the State Board of Health to establish rules and regulations concerning the content of the academic curriculum of any applicant or licensee, or concerning the qualification or certification of teachers in the educational curriculum of any applicant or licensee.

(Added by Stats. 1947, Ch. 1462.)

Records  
confidential

1515. Information and records concerning any licensee or applicant received by the state department under the provisions of this chapter shall not be disclosed except in a proceeding for the revocation, suspension, or denial of an application for a license.

(Added by Stats. 1947, Ch. 1462.)

List of  
licensees

1516. The state department shall at all times maintain an up-to-date list showing the names and addresses of all licensees holding valid licenses under this chapter, and copies of said list shall be given to anyone upon request without charge. The use of said lists for commercial purposes is hereby forbidden.

(Added by Stats. 1947, Ch. 1462.)

Penalty for  
violation

1517. At the request of the director, legal action against any person who violates any provision of this chapter shall be instituted promptly by the district attorney of the county in which such violation occurs. Any person who violates any provision of this chapter or of the rules and regulations promulgated under this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars (\$500) or by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both such fine and such imprisonment.

Action to  
enjoin

The director may bring an action to enjoin violation or threatened violation of this chapter in the superior court in

and for the county in which such violation has occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

(Added by Stats. 1947, Ch. 1462.)

#### CHAPTER 4. BIOLOGICS

(Chapter 4 added by Stats. 1939, Ch. 910)

1600. As used in this chapter, "distribute" includes sale "Distribute" and exchange.

(Added by Stats. 1939, Ch. 910.)

1601. As used in this chapter, "biologics" includes whole "Biologics" blood and blood derivatives, serum, vaccine, live vaccine, killed vaccine, tissue vaccine, autogenous vaccine, live virus, killed virus, live bacterial culture, killed bacterial culture, bacterin, hormone, tissue extract, gland extract, gland preparation, insulin and similar products made from human and animal tissues or microorganisms and offered for sale or distribution for the prevention or treatment of disease.

(Added by Stats. 1939, Ch. 910; amended by Stats. 1949, Ch. 722.)

1602. No person shall distribute biologics produced other Distributors of biologics than:

(a) In a laboratory licensed by the United States Public Health Service;

(b) In a laboratory licensed by the Bureau of Animal Industry of the United States Department of Agriculture; or

(c) Under the provisions of this chapter.

(Added by Stats. 1939, Ch. 910.)

1603. The State department shall make rules and regulations governing the storage and transportation of all biologics Rules and regulations by whomsoever produced and governing the production, standards of potency and truthful advertising of all biologics except those produced under license from any of the following:

(a) United States Public Health Service;

(b) Bureau of Animal Industry of the United States Department of Agriculture.

(Added by Stats. 1939, Ch. 910.)

1604. The department shall prescribe minimum standards for equipment of laboratories used in the production of biologics under licenses issued under this chapter. Standards for equipment

(Added by Stats. 1939, Ch. 910.)

1605. No person shall engage in the business of preparing License biologics in this State, except under a license issued by the State department or the United States Public Health Service or the Bureau of Animal Industry of the United States Department of Agriculture.

(Added by Stats. 1939, Ch. 910.)



Standards for production	1606. The department by rules and regulations shall prescribe minimum standards for the production of various types of biologics. (Added by Stats. 1939, Ch. 910.)
Application	1607. Applications for licenses shall be made upon forms issued by the State department. (Added by Stats. 1939, Ch. 910.)
Contents of application	1608. The application shall contain at least the following: (a) The name and address of the person owning the place, establishment, or institution in which the laboratory is to be operated; (b) The name and address of the person to operate the laboratory; (c) The types of biologics to be produced; (d) A full description of the building, its location, facilities, equipment, and apparatus to be used in the operation of the laboratory; (e) Such additional information as the department may require by any uniform rule or regulation in order to show compliance with minimum requirements. (Added by Stats. 1939, Ch. 910.)
Fee	1609. The application shall be accompanied by a fee of twenty-five dollars (\$25), which shall be the license fee for the first year or portion thereof, ending December 31st. (Added by Stats. 1939, Ch. 910.)
Laboratory	1610. Any applicant having a laboratory meeting the prescribed minimum standards shall be thereby entitled to a license. (Added by Stats. 1939, Ch. 910.)
Refusal of license	1611. If the department does not within 60 days after the filing of the application issue a permit, it shall state the grounds and reasons for its refusal in writing, serving a copy upon the applicant. The notice may be served by registered mail addressed to the applicant at his last known address. (Added by Stats. 1939, Ch. 910.)
Renewal	1612. Licenses shall be renewed annually thereafter from January 1st. Applications for renewal shall be made in writing after each November 1st, but not later than each December 20th. The application shall be accompanied by a renewal fee of five dollars (\$5). (Added by Stats. 1939, Ch. 910.)
Contents of license	1613. The license shall contain at least the following: (a) The name and address of the laboratory and its owner; (b) The name and address of the person charged with the operation of the laboratory; (c) The types of biologics licensed to be produced; (d) The year covered by the license. (Added by Stats. 1939, Ch. 910.)
Tests	1614. The State department shall fix reasonable charges for analyzing and testing the products of a licensee, and shall

make such rules and regulations, not inconsistent with this chapter as may be necessary to carry out the provisions of this chapter. Rules and regulations

(Added by Stats. 1939, Ch. 910.)

1615. Licenses shall be suspended or revoked by the State department for the violation of any provision of this chapter or of any rule or regulation made by the State department under authority conferred by this chapter. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein. Suspension or revocation of license

(Added by Stats. 1939, Ch. 910; amended by Stats. 1945, Ch. 892.)

1616. (Added by Stats. 1939, Ch. 910; repealed by Stats. 1945, Ch. 892.)

1617. (Added by Stats. 1939, Ch. 910; repealed by Stats. 1945, Ch. 892.)

1618. The violation of any provision of this chapter or of any rule or regulation issued under this chapter is a misdemeanor punishable by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or by imprisonment for not more than 30 days, or by both. Penalty

(Added by Stats. 1939, Ch. 910.)

1619. The State department shall enforce this chapter. Enforcement

(Added by Stats. 1939, Ch. 910.)

1620. (Added by Stats. 1939, Ch. 910; repealed by Stats. 1945, Ch. 892.)

1621. District and city attorneys shall prosecute violations of this chapter upon evidence of violations within their respective jurisdictions submitted by the State department. Prosecutions

(Added by Stats. 1939, Ch. 910.)

1622. Nothing in this chapter shall be considered to be in conflict with Division 21, Chapter 2, of this code and all provisions of Division 21, Chapter 2, shall apply to biologics within the meaning of this chapter, except that the provisions of such chapter of such Division shall not apply to products of: Law applicable to biologics

(a) A laboratory licensed by the United States Public Health Service; or Exceptions

(b) A laboratory licensed by the Bureau of Animal Industry of the United States Department of Agriculture.

(Added by Stats. 1945, Ch. 1060.)

## CHAPTER 5. REGULATION OF USE OF ANIMALS IN DIAGNOSTIC PROCEDURES AND MEDICAL RESEARCH

(Chapter 5 added by Stats. 1951, Ch. 1750)

NOTE—Stats. 1951, Ch. 1750 also contained the following provision:

SEC. 2. The sum of seven thousand eight hundred ninety-three dollars (\$7,893) is appropriated from the General Fund in the State Treasury in augmentation of Item 231 of the Budget Act of 1951, to be expended by the Department of Public Health in administration and enforcement of this act.

## Article 1. General Provisions

(Article 1 added by Stats. 1951, Ch. 1750)

- Policy** 1650. The public health and welfare depend on the humane use of animals for scientific advancement in the diagnosis and treatment of human and animal diseases, for education, for research in the advancement of veterinary, dental, medical and biologic sciences, for research in animal and human nutrition, and improvement and standardization of laboratory procedures of biologic products, pharmaceuticals and drugs.  
(Added by Stats. 1951, Ch. 1750.)
- Adminis-  
tration** 1651. The State Department of Public Health shall administer the provisions of this chapter.
- Construction** Every provision of this chapter shall be liberally construed to protect the interests of all persons and animals affected.
- "Person"** As used in this chapter, "person" includes: laboratory, firm, association, corporation, copartnership, and educational institution.
- "Board"** As used in this chapter, "board" means the State Board of Public Health.
- "Depart-  
ment"** As used in this chapter, "department" means the Department of Public Health.  
(Added by Stats. 1951, Ch. 1750.)

## Article 2. Administration and Regulation

(Article 2 added by Stats. 1951, Ch. 1750)

- Rules and  
regulations** 1660. The department shall make and promulgate, and may thereafter modify, amend or rescind, reasonable rules and regulations to carry out the purposes of this chapter, including the control of the humane use of animals for the diagnosis and treatment of human and animal diseases, for research in the advancement of veterinary, dental, medical and biologic sciences, for research in animal and human nutrition, and for the testing and diagnosis, improvement and standardization of laboratory specimens, biologic products, pharmaceuticals and drugs. Such rules and regulations shall include requirements for satisfactory shelter, food, sanitation, record keeping, and for the humane treatment of animals by persons authorized by the board to raise, keep or to use animals under the provision of this chapter. The department shall not make or promulgate any rule compelling the delivery of animals for the purpose of research, demonstration, diagnosis, or experimentation.  
(Added by Stats. 1951, Ch. 1750.)
- Administra-  
tive Proce-  
dure Act** 1661. The provisions of the Administrative Procedure Act Government Code, Title 2, Division 3, Part 1, Chapter 4, shall be applicable to all the rules and regulations promulgated by the department under the provisions of this chapter.  
(Added by Stats. 1951, Ch. 1750.)
- Inspection** 1662. The department is hereby authorized to inspect any premises or property on or in which animals are kept for experimental or diagnostic purposes, for the purpose of investigation



of compliance with the rules and regulations adopted hereunder. Such inspection or other method of control shall be enforced only by employees of the department and such power and authority may not be delegated to any other persons or agency.

(Added by Stats. 1951, Ch. 1750.)

### Article 3. Application of the Chapter

(Article 3 added by Stats. 1951, Ch. 1750)

1666. No person shall keep or use animals for diagnostic purposes, education or research unless approved by the board.

Approval

(Added by Stats. 1951, Ch. 1750.)

1667. The board shall prescribe the rules under which approval shall be granted including the standards regarding the care and treatment of such animals employed. Any person desiring approval to use animals for the purposes covered by this chapter shall make application to the department for such approval on forms provided by the department. The board shall grant approval on forms provided by the department to any person who has made application in accordance with the provisions of this article and who is found to be in compliance with the provisions of this chapter and the rules and regulations of the board. Any person keeping or using animals under the provisions of this chapter shall display in a prominent place the certificate of approval granted for such purpose. Such approval shall remain in effect for one fiscal year if not revoked by the board. If the board does not within ninety (90) days after the filing of this application grant approval it shall state the grounds and reasons for its refusal in writing, serving a copy upon the applicant, the notice may be served by registered mail addressed to the applicant at his last known address.

Same:  
Conditions

(Added by Stats. 1951, Ch. 1750.)

1668. The board may, upon its own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any person keeping or using animals for research or diagnostic purposes within this State, and it may temporarily suspend or permanently revoke a certificate of approval at any time where the holder of such a certificate, within the immediately preceding three years, while a holder of a certificate of approval, in performing or attempting to perform any of the acts within the scope of this chapter, has been guilty of the breach of any of the provisions of this chapter or of any reasonable rule or regulation adopted by the board for the purpose of carrying out the provisions of this chapter. The board may promulgate and adopt reasonable rules and regulations concerning the procedure for the drafting, filing and disposition of verified complaints of individuals. Procedure for revocation or suspension of approval shall be in accordance with the provision of the Administrative Procedure Act Government Code, Title 2, Division 3, Part 1, Chapter 5, and the department shall have all the powers granted therein.

Investiga-  
tions

Rules and  
regulations

Procedure

(Added by Stats. 1951, Ch. 1750.)

**Exceptions** 1669. This chapter does not apply to any veterinary licensed to practice veterinary medicine in this State or to any place of business operated by such veterinary, nor to animal training, animal cosmetics and routine animal husbandry practices, nor to laboratories subject to control or regulation by the National Institutes of Health or the Federal Bureau of Animal Industry.

(Added by Stats. 1951, Ch. 1750.)

**Construction of provisions** 1670. Nothing contained in this chapter shall be construed to limit or restrict the right of counties, cities, cities and counties, towns or townships, to adopt or enforce ordinances or other regulations regulating the use or procurement of animals for diagnostic procedures or medical research, and any such ordinances or regulations now in effect are not affected by this chapter. It is the intent of this chapter to provide state regulation of the use of animals in diagnostic procedures and medical research concurrently with and supplementary to local regulations, but not to preclude the exercise by counties, cities, cities and counties, towns or townships, of such regulatory power as they may possess in this field under the Constitution and statutes of this State.

(Added by Stats. 1951, Ch. 1750.)

#### Article 4. Offenses Against the Chapter

(Article 4 added by Stats. 1951, Ch. 1750)

**Violations** 1672. It is unlawful for any person to use animals for the purposes provided for in this chapter without the approval of the board.

(Added by Stats. 1951, Ch. 1750.)

**Penalty** 1673. Any person who violates this chapter is guilty of a misdemeanor.

(Added by Stats. 1951, Ch. 1750.)

#### Article 5. Revenue

(Article 5 added by Stats. 1951, Ch. 1750)

**Annual fee** 1676. An annual fee, to be employed for the enforcement of this act, shall accompany each application for approval. The annual fee payable to the Department of Public Health shall be in the following amount:

(a) With respect to any person who in the previous calendar year used 50 or less animals for any of the purposes specified in this chapter, the fee shall be five dollars (\$5).

(b) With respect to any person who in the previous calendar year used more than 50 but less than 500 animals for any of the purposes specified in this chapter, the fee shall be twenty-five dollars (\$25).

(c) With respect to any person who in the previous calendar year used 500 or more animals for any of the purposes specified in this chapter, the fee shall be two hundred dollars (\$200).

(Added by Stats. 1951, Ch. 1750.)

**Payment** 1677. Annual fees payable under this chapter shall become due and payable by each person approved by the board on or

before March 1st in each year. Such fees shall be paid by the department into the General Fund in the State Treasury. It is the intention of the Legislature that the costs of administering this act shall be substantially covered by the revenues collected hereunder.

(Added by Stats. 1951, Ch. 1750.)

### DIVISION 3. QUARANTINE AND PEST ERADICATION

#### CHAPTER 1. RAILWAY INSPECTION

1700. Whenever, in the opinion of the State Department of Public Health, there exists imminent danger of the introduction of contagious or infectious diseases into this State, by means of railroad communication with other States, the department shall make an inspection of all railroad cars, coming into the State at such point, or between such points within the State limits, as may be selected for the purpose. Inspection  
of railroad  
cars

1701. The inspection shall be made, where practicable, during the ordinary detention of a train at a station, or while in transit between stations, and in all cases shall be so conducted as to occasion the least possible detention or interruption of travel or inconvenience to the railroad companies, so far as consistent with the purposes of this chapter. Place of  
inspection

1702. If discovery is made of the existence among the passengers of any case of dangerous, contagious, or infectious disease, the State department, under rules and conditions prescribed by it, may: Quarantine  
and pre-  
ventive  
measures

(a) Cause the side-tracking or detention of any car so infected.

(b) Isolate the sick or remove them to a suitable place for treatment.

(c) Establish a suitable refuge station.

(d) Cause the passengers and materials in the infected car to be subjected to disinfection and cleansing before proceeding farther into the State.

(e) In the case of smallpox, offer free vaccination to all persons exposed in any car or at any station.

1703. All expenditures authorized for the purpose of this chapter shall be specified in an itemized account to be presented to the Department of Finance, and paid as other demands on the Treasury are paid; but in no case shall the sum expended exceed that specially appropriated for the purpose. Expenses



## CHAPTER 2. RODENTS

"Place"	1800. "Place," as used in this chapter, includes land, place, building, structure, wharf, pier, dock, vessel, or water craft.
"Rodent"	1801. "Rodents," as used in this chapter, means rats, mice, gophers, and ground squirrels.
"Possess"	1802. "Possess," as used in this chapter, includes control, own, lease, occupy, possess, or have charge of or dominion over.
Duty to exterminate	1803. Every person possessing any place that is infested with rodents, as soon as their presence comes to his knowledge, shall at once proceed and continue in good faith to endeavor to exterminate and destroy the rodents, by poisoning, trapping, and other appropriate means.
Inspection of places	1804. The State department, the board of supervisors of each county, local health officers, or inspectors appointed by any of them, as provided in this chapter, may inspect all places for the purpose of ascertaining whether they are infested with rodents and whether the requirements of this chapter as to their extermination and destruction are being complied with. However, no building occupied as a dwelling, hotel, or rooming house, shall be entered for inspection purposes except between the hours of 9 a.m., and 5 o'clock p.m.
County expense	1805. The board of supervisors of each county and the governing body of each city, whenever it may by resolution determine that it is necessary for the preservation of the public health or to prevent the spread of contagious or infectious disease, communicable to mankind, or when it determines that it is necessary to prevent great and irreparable damage to crops or other property, may appropriate money for the purchase of, and may purchase, poison, traps, and other materials for the purpose of exterminating and destroying rodents in that county or city, and may employ and pay inspectors, who shall prosecute the work of extermination and destruction on both private and public property in the county or city.
Extermination by State or local health officer	1806. Whenever any person possessing any place that is infested with rodents, fails, neglects or refuses to proceed and to continue to endeavor to exterminate and destroy the rodents, as required in this chapter, the State department and its inspectors, the county board of supervisors and its inspectors, and the local health officer, shall at once cause the rodents to be exterminated and destroyed.
Expense	1807. The expense of exterminating and destroying the rodents is a charge against the county or city in which the work is done, and the board of supervisors or other governing body shall allow and pay it.
Notice of expense	1808. The governing body shall file in the office of the county recorder a notice of the payment, claiming a lien on the property for the amount of the payment.
Lien	1809. All sums so paid by the county or city are a lien on the property on which the work was done, and may be recovered in an action against the property.

1810. The action to foreclose the lien shall be brought within 90 days after the payment, and shall be prosecuted by the district or city attorney in the name of the county, or city, as the case may be, and for its benefit. Action to foreclose

1811. When the property is sold, enough of the proceeds shall be paid into the treasury of the county or city to satisfy the lien and the costs, and the surplus, if any, shall be paid to the owner of the property, if known, and if not known shall be paid into the court for the use of the owner when ascertained. Proceeds

1812. If it appears from the complaint in the action that the property on which the lien is to be foreclosed is likely to be removed from the jurisdiction of the court, the court may appoint a receiver to take possession of the property and hold it while the action is pending or until the defendant executes and files a bond, with sufficient sureties, conditioned for the payment of any judgment that may be recovered against him in the action and of all costs. Receiver

1813. A violation of the provisions of this chapter is a misdemeanor. Penalty

### CHAPTER 3. RABIES

#### Article 1. Rabies Control

1900. "Rabies," as used in this article, includes rabies, and any other animal disease dangerous to human beings that may be declared by the State department as coming under the provisions of this article. "Rabies"

1901. "Quarantine," as used in this article, means the strict confinement, upon the private premises of the owner, under restraint by leash, closed cage, or paddock, of all animals specified in the order of the State department. "Quarantine"

1902. Whenever any case of rabies is reported as existing in any county or city, the State department shall make, or cause to be made, a preliminary investigation as to whether the disease exists, and as to the probable area of the State in which the population or animals are endangered. Preliminary investigation

1903. If upon the investigation the State department finds that rabies exists, a quarantine shall be declared against all such animals as are designated in the quarantine order, and living within the area specified in the order. Quarantine

1904. Following the order of quarantine the State department shall make or cause to be made a thorough investigation as to the extent of the disease, the probable number of persons and animals exposed, and the area found to be involved. Thorough investigation

1905. The State department may substitute for the quarantine order such regulations as may be deemed adequate for the control of the disease in each area. Regulations

1906. All peace officers and boards of health shall carry out the provisions of this article. Enforcement

1907. During the period for which any quarantine order is in force any officer may kill or in his discretion capture and Destruction of animals

hold for further action by the State department any animal in a quarantine area, found on public highways, lands, and streets, or not held in restraint on private premises as specified in this article.

**Inspection** 1908. Any proper official within the meaning of this article may examine and enter upon all private premises for the enforcement of this article.

**Penalty** 1909. Every person who possesses or holds any animal in violation of the provisions of this article is guilty of a misdemeanor.

**Fund** 1910. For the purpose of providing funds to pay expenses incurred in connection with the eradication of rabies, the rabies treatment and eradication fund is continued in existence in each county or city in this State.

**Dog license tax** 1911. All money collected for dog license taxes shall be deposited to the credit of this fund with the treasurer of the county or city; but funds now collected from any dog tax may continue to be collected and used for other purposes specified by local ordinances.

**Special dog tax** 1912. Upon the determination by the State department that rabies exists in any county or city, a special dog license tax shall immediately become effective, unless a dog tax is already in force the funds from which are available for the payment of expenditures in accordance with the provisions of this article.

**Rate of tax** 1913. This tax shall be levied as follows: An annual tax of one dollar and fifty cents (\$1.50) for each male, two dollars and fifty cents (\$2.50) for each female, and one dollar and fifty cents (\$1.50) for each neuter dog. It shall be collected by the proper authority at the same time and in the same manner as other taxes are collected; except that at the first collection such proportion of the annual tax as corresponds to the number of months the tax has been in operation plus one year advance payment shall be collected.

**Termination of tax** 1914. After this dog license tax has been established in a county or city, it shall be continued in force until an order has been issued by the State department declaring that county, or such portion of that county as may be deemed advisable, to be free from rabies or further danger of its spread.

**Disposition of fines** 1915. One half of all fines collected by any court or judge for violations of the provisions of this article shall be placed to the credit of the rabies treatment and eradication fund of the county or city in which the violation occurred.

**Special control measures** 1916. Whenever it becomes necessary in the judgment of the State department, to enforce the provisions of this article in any county or city, the department may institute special measures of control to supplement the efforts of the local authorities in any county or city whose duties are specified in this article.

**Expenditure of fund** 1917. All expenditures incurred in enforcing the special measures shall be proper charges against the special fund



referred to in this article, and shall be paid as they accrue by the proper authorities of each county or city in which they have been incurred; but all expenditures that may be incurred after the issuance of the order establishing the tax and before the first collection of the tax, shall be paid as they accrue from the general fund of the county or city.

1918. All expenditures in excess of the balance of money in this fund shall likewise be paid as they accrue from the general fund. All money thus expended from the general fund shall be repaid from the special fund when the collections from the tax have provided the money. Additional expenditures

1919. Notwithstanding any other provision of this article a guide dog serving a blind master shall not be quarantined, in the absence of evidence that he has been exposed to rabies, unless his master fails: Guide dogs

(a) To keep him safely confined to the premises of the master.

(b) To keep him available for examination at all reasonable times.

(Added by Stats. 1951, Ch. 1363.)

## Article 2. Anti-rabic Virus

2000. The State department shall purchase or prepare, and distribute free of cost, under such regulations as may be necessary, anti-rabic virus to be used in the treatment of persons exposed to rabies when they declare that it would be a hardship for them to pay for anti-rabic treatment. Authorization to distribute

### CHAPTER 4. (Repealed by Stats. 1947, Ch. 598)

2100. (Repealed by Stats. 1947, Ch. 598.)

2101. (Repealed by Stats. 1947, Ch. 598.)

2102. (Repealed by Stats. 1947, Ch. 598.)

2103. (Repealed by Stats. 1947, Ch. 598.)

2104. (Added by Stats. 1939, Ch. 104; amended by Stats. 1945, Ch. 1211; repealed by Stats. 1947, Ch. 598.)

2105. (Repealed by Stats. 1947, Ch. 598.)

2106. (Repealed by Stats. 1947, Ch. 598.)

### CHAPTER 5. MOSQUITO ABATEMENT DISTRICTS

#### Article 1. General Provisions

2200. "District," as used in this chapter, refers to any mosquito abatement district formed pursuant to this chapter or pursuant to any law which it supersedes. "District"

2201. "Board," or "district board," as used in this chapter, refers to the board of trustees of a district. "Board"

2202. "City," as used in this chapter, includes a city and county. "City"

2203. For the purposes of this chapter all unincorporated territory in a proposed district and in one county only shall "Unit"

be regarded as an entirety and as a "unit," and each city in a proposed district shall likewise be regarded as a unit.

Publication  
of notices

2204. Every notice required by this chapter to be published shall be published in a daily, weekly, or semiweekly newspaper; but, if there is no daily, weekly, or semiweekly newspaper published within the district or within a subdivision of the district or other territory in which it is required to be published, the notice shall be posted for the length of time required for its publication in three public places of the district, subdivision, or other territory, as the case may be.

Application  
of chapter

2205. A mosquito abatement district may be organized and managed as provided in this chapter, and is authorized to exercise the powers expressly granted or necessarily implied by this chapter.

(Amended by Stats. 1949, Ch. 825.)

Law inap-  
plicable

Duration

2206. No district formed or proposed to be formed under this chapter shall be subject to any of the provisions of the District Investigation Act of 1933. This section shall remain in effect until the ninety-first day after final adjournment of the 1953 Regular Session of the Legislature and thereafter shall be of no force or effect.

(Added by Stats. 1st Ex. Sess. 1946, Ch. 28; amended by Stats. 1947, Ch. 1020, by Stats. 1949, Ch. 825 and by Stats. 1951, Ch. 524.)

## Article 2. Formation

Territory

2210. Any territory in one or more counties, having a population of not less than 100 inhabitants, may be organized as a mosquito abatement district.

Petition

2211. A petition to form a district may consist of any number of separate instruments. It shall be presented at a regular meeting of the board of supervisors of the county in which the greater portion of the proposed district is located. It shall be signed by registered voters in each unit of the proposed district, equal in number to at least 10 per cent of the number of votes cast in each unit respectively for the office of Governor at the last gubernatorial election prior to the time the petition is presented.

Consent  
of city

Before a city can be included in the proposed district, its governing body shall request the inclusion of the city by resolution, duly authenticated.

Publication

2212. The petition shall set forth and describe the boundaries of the proposed district, and shall request that it be organized as a mosquito abatement district. The text of the petition shall be published, for at least two weeks before the time it is to be presented, in the county where the petition is presented, and in each city a portion of which is included in the proposed district.

The text of the petition published shall have attached a notice stating the time of the meeting of the board of supervisors at which it will be presented.

2213. If any portion of the proposed district lies in another county, the petition and notice shall be likewise published in that county. Where published

2214. When contained upon more than one instrument, only one copy of the petition need be published. No more than five of the names attached to the petition need appear in the publication of the petition and notice, but the number of signers shall be stated. Contents of publication

2215. With the publication of the petition there shall be published a notice of the time of the meeting of the board of supervisors when the petition will be considered, stating that all persons interested may appear and be heard. Notice of hearing

2215.5. Such districts may also be organized upon the adoption by the board of supervisors of a resolution of intention so to do, in lieu of the procedure hereinbefore provided for the presentation of petitions. In the event the board of supervisors adopts a resolution of intention, such resolution shall describe the boundaries of the proposed district and shall set a time and place at which the board will consider the organization of the district, and shall state that all persons interested may appear and be heard. Such resolution of intention shall be published in the same manner and for the same length of time as a petition. Alternative method of organizing

(Added by Stats. 1945, Ch. 409.)

2216. At the time stated in the notice of the filing of the petition or the time mentioned in the resolution of intention the board of supervisors shall consider the organization of the district and hear those appearing and all protests and objections to it. It may adjourn the hearing from time to time, not exceeding two months in all. Hearing

(Amended by Stats. 1945, Ch. 409.)

2217. No defect in the contents of the petition or in the title to or form of the notice or signatures, or lack of signatures thereto, shall vitiate any proceedings, if the petition has a sufficient number of qualified signatures. Defects

2218. On the final hearing the board of supervisors shall make such changes in the proposed boundaries as are advisable, and shall define and establish the boundaries. Changes in boundary

2219. If the board of supervisors deems it proper to include any territory not proposed for inclusion within the proposed boundaries, it shall first cause notice of its intention to do so to be mailed to each owner of land in the territory whose name appears as owner on the last completed assessment roll of the county in which the territory lies, addressed to the owner at his address given on the assessment roll, or if no address is given, to his last known address; or if it is not known, at the county seat of the county in which his land lies. The notice shall describe the territory, and shall fix a time, not less than two weeks from the date of mailing, when all persons interested may appear before the board of supervisors and be heard. Additional notice on change of boundary



- Consent of city** 2220. The boundaries of a district lying in a city shall not be altered unless the governing board of the city, by resolution, consents to the alteration.
- Finding** 2221. Upon the hearing of the petition the board of supervisors shall determine whether or not the public necessity or welfare of the proposed territory and of its inhabitants requires the formation of the district, and shall also determine whether or not the petition complies with the provisions of this chapter, and for that purpose shall hear all competent and relevant testimony offered.
- Finality of finding** 2222. A finding of the board of supervisors in favor of the genuineness and sufficiency of the petition and notice is final and conclusive against all persons except the State in a suit commenced by the Attorney General.
- Order of formation** 2223. If, from the testimony given before the board of supervisors, it appears to that board that the public necessity or welfare requires the formation of the district, it shall, by an order entered on its minutes, declare that to be its finding, and shall further declare and order that the territory within the boundaries so fixed and determined be organized as a district, under an appropriate name to be selected by the board of supervisors. The name shall contain the words "mosquito abatement district."
- Filing of order** 2224. The county clerk shall immediately file for record in the office of the county recorder of each county in which any portion of the land embraced in the district is situated, and shall also forward to each board of supervisors of each of the other counties, if any, in which any portion of the district is situated, and also shall file with the Secretary of State, a certified copy of the order of the board of supervisors. From and after the date of the filing of the certified copy with the Secretary of State, the district named therein is organized as a district, with all the rights, privileges, and powers set forth in this chapter, or necessarily incident thereto.
- Change of name** 2225. If at any time after the board of supervisors has entered its order for organization good cause appears therefor, the district board may, by a two-thirds vote of its members, adopt a resolution reciting the facts, declaring the advisability for a change of the district's name, and setting forth therein a new name for the district. A certified copy of such resolution shall be transmitted to the board of supervisors of the county in which the district, or the greater portion of the land of the district, is situated.
- (Added by Stats. 1947, Ch. 891.)
- Procedure** 2226. Upon receipt of the certified copy of the resolution the board of supervisors shall:
- (a) Enter an order changing the district's name to the name set forth in the resolution.
  - (b) Transmit a certified copy of the order to the board of supervisors of any other county in which any portion of the district is situated.

(c) Record a certified copy of the order in the office of the county recorder of each of the counties in which any portion of the district is situated.

(d) File a certified copy of the order in the office of the Secretary of State.

(e) File a certified copy of the order in the office of the State Board of Equalization.

From and after the date of the filing of the certified copy with the Secretary of State the new name shall be the official name of the district.

(Added by Stats. 1947, Ch. 891.)

### Article 3. Officers

2240. Within 30 days after the filing with the Secretary of State of the certified copy of the order of formation, a governing board of trustees for the district shall be appointed. The district board shall be appointed as follows:

(a) If the district is situated in one county only and consists wholly of unincorporated territory, five members shall be appointed by the board of supervisors of the county.

(b) If the district is situated entirely in one county and includes both incorporated and unincorporated territory one member shall be appointed from the district at large by the board of supervisors of the county, and one member from each city, the whole or part of which is situated in the district, by the governing body of the city; but if the district board created consists of less than five members, the board of supervisors shall appoint from the district at large enough additional members to make a board of five members.

(c) If the district is situated in two or more counties and is comprised wholly of unincorporated territory, one member shall be appointed from each county or portion of a county situated in the district by the board of supervisors; but if the district board created consists of less than five members, the board of supervisors of the county in which the greater portion of the district is situated shall appoint from the district at large enough additional members to make a board of five members.

(d) If the district is situated in two or more counties and consists of both incorporated and unincorporated territory, one member shall be appointed by the board of supervisors of each of the counties from that portion of the district lying within its jurisdiction; and one member from each city, a portion of which is situated in the district by the governing body of the city; but if the board created consists of less than five members, the board of supervisors in which the greater portion of the district is situated shall appoint from the district at large enough additional members to make a board of five members.

(e) At any time after the appointment of the initial district board of trustees the board of supervisors of any county having territory in whole or in part in a district, may at the written request of the existing district board of trustees, increase or

decrease the number of members of the board of trustees representing unincorporated territory in the district; such written request of the district board of trustees shall specify the number of members and the region or regions in the unincorporated territory for which an increase or decrease is requested; provided, however, the district board of trustees shall, under no circumstances, consist of less than five members, nor shall the number of members representing unincorporated territory in the entire district exceed five members.

(Amended by Stats. 1947, Ch. 977.)

Name of  
board

2241. The district board shall be called "The board of trustees of ----- Mosquito Abatement District."

Qualifica-  
tions of  
member:  
From city

2242. Each member of the board appointed by the governing body of a city shall be an elector of the city from which he is appointed, and a resident of that portion of the city which is in the district.

From county

2243. Each member appointed from a county or portion of a county shall be an elector of the county and a resident of that portion of the county which is in the district.

At large

2244. Each member appointed at large shall be an elector of the district.

Terms of  
office

2245. The members of the first board in any district shall classify themselves by lot at their first meeting so that:

(a) If the total membership is an even number, the terms of one-half the members will expire at the end of one year, and the terms of the remainder at the end of two years, from the second day of the calendar year next succeeding their appointment.

(b) If the total membership is an odd number, the terms of a bare majority of the members will expire at the end of one year, and the terms of the remainder at the end of two years, from the second day of the calendar year next succeeding their appointment.

The term of each subsequent member is two years from and after the expiration of the term of his predecessor.

Vacancy

2246. In event of the resignation, death, or disability of any member, his successor shall be appointed by the governing body which appointed him.

First  
meeting

2247. The members of the first district board shall meet on the first Monday subsequent to 30 days after the filing with the Secretary of State of the certificate of incorporation of the district. They shall organize by the election of one of their members as president and one as secretary.

Compensa-  
tion

2248. The members of the district board shall serve without compensation; but the necessary expenses of each member for actual traveling in connection with meetings or business of the board shall be allowed and paid. In lieu of expenses the district board may by resolution provide for the allowance and payment to the members of the board of a sum not exceeding ten dollars (\$10) per month per member for expenses incurred in attending business meetings of the board.

(Amended by Stats. 1941, Ch. 314 and by Stats. 1951, Ch. 1271.)



2249. The secretary shall receive such compensation as Secretary shall be fixed by the district board.

2250. The district board shall provide for the time and Meetings place of holding its regular meetings, and the manner of calling them, and shall establish rules for its proceedings.

2251. Special meetings may be called by three members, Special meetings notice of which shall be given to each member at least three hours before the meeting.

2252. All of its sessions, whether regular or special, shall Open to public be open to the public.

2253. A majority of the members shall constitute a quorum Quorum for the transaction of business.

#### Article 4. District Powers

2270. The district board may :

Powers

(a) Take all necessary or proper steps for the extermination of mosquitoes, flies, or other insects either in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, or other insects from such territory migrate into the district.

(b) Subject to the paramount control of the county or city in which they exist, abate as nuisances all stagnant pools of water and other breeding places for mosquitoes, flies, or other insects either in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, or other insects from such territory migrate into the district

(c) Purchase such supplies and materials, employ such personnel and contract for such services as may be necessary or proper in furtherance of the objects of this chapter.

(d) If necessary or proper, in the furtherance of the objects of this chapter, build, construct, repair, and maintain, necessary dikes, levees, cuts, canals, or ditches upon any land, and acquire by purchase, condemnation, or by other lawful means, in the name of the district, any lands, rights of way, easements, property, or material necessary for any of those purposes.

(e) Make contracts to indemnify or compensate any owner of land or other property for any injury or damage necessarily caused by the use or taking of property for dikes, levees, cuts, canals, or ditches.

(f) Enter upon without hindrance any lands, within or without the district, for the purpose of inspection to ascertain whether breeding places of mosquitoes, flies, or other insects exist upon such lands; or to abate public nuisances in accordance with this article; or to ascertain if notices to abate the breeding of mosquitoes, flies, or other insects upon such lands have been complied with; or to treat with oil or other larvicidal material any breeding places of mosquitoes, flies or other insects upon such lands.

(g) Sell or lease any land, rights of way, easements, property or material acquired by the district.

Every sale of real property pursuant to this subdivision shall be made to the highest bidder at public auction after five days'

notice given pursuant to Section 2204 of this code, and at such place within the district as the district board shall specify.

(h) Borrow money in any fiscal year and repay it in the same or in the next ensuing fiscal year. The amount borrowed in any fiscal year is not to exceed fifteen cents (\$0.15) in each one hundred dollars (\$100) of assessed valuation of property in the district.

(i) Issue warrants payable at the time stated therein to evidence the obligation to repay money borrowed or any other obligation incurred by the district, warrants so issued to draw interest at a rate fixed by the board not to exceed 5 percent per year, payable annually or semiannually as the board may prescribe.

(j) Do any and all things necessary or incident to the powers granted by, and to carry out the objects specified in, this chapter.

(Amended by Stats. 1941, Ch. 314, by Stats. 1945, Ch. 409, and by Stats. 1947, Ch. 40.)

**Mosquito breeding place declared a nuisance** 2271. Any breeding place for mosquitoes which exists by reason of any use made of the land on which it is found or of any artificial change in its natural condition, is a public nuisance.

**Abatement of nuisance** 2272. The nuisance may be abated in any action or proceeding, or by any remedy, provided by law.

**Additional remedies** 2273. Any remedy provided in this chapter for the abatement of a nuisance is in addition to any other remedy provided by law.

**Notice to abate** 2274. Whenever a nuisance specified in this chapter exists upon any property either in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, or other insects from such territory migrate into the district, the district board may in writing notify the record owner, or person in charge or in possession of the property, of the existence of the nuisance.

(Amended by Stats. 1941, Ch. 314.)

**Contents of notice** 2275. The notice shall direct that the owner shall, within a specified time, abate the nuisance by destroying the larvae or pupae that are present.

**Time limit** 2276. The notice shall further direct that the owner shall, within a specified time, perform any work that may be necessary to prevent the recurrence of breeding in the places specified in the notice.

**Service of notice** 2277. The notice shall be served upon the owner of record, or person having charge or possession, of the property upon which the nuisance exists, or upon the agent of either.

**Manner of service** 2278. The notice may be served by any person authorized by the district board in the same manner as a summons in a civil action.

**Service by posting or mailing** 2279. If the property belongs to a person who is not a resident of the district, and is not in charge or possession of any person, and there is no tenant or agent of the owner upon whom service can be made, who can after diligent search be found; or if the owner of the property can not after diligent

search be found, the notice may be served by posting a copy in a conspicuous place upon the property for a period of 10 days, and by mailing a copy to the owner addressed to his address as given on the last completed assessment roll of the county in which the property is situated, or, in the absence of an address on the roll, to his last known address.

2280. Before complying with the requirements of the notice the owner may appear at a hearing before the board at a time and place fixed by the board and stated in the notice. Hearing

2281. At the hearing the district board shall redetermine whether or not the owner shall abate the nuisance and prevent its recurrence, and shall specify a time within which the work shall be completed. Finding

2282. In the event that the nuisance is not abated within the time specified in the notice or at the hearing, the district board shall abate the nuisance by destroying the larvae or pupae and by taking appropriate measures to prevent the recurrence of further breeding. Abatement by district

2283. The cost of abatement shall be repaid to the district by the owner. Cost

2284. All sums expended by the district in abating a nuisance or preventing its recurrence are a lien upon the property on which the nuisance is abated, or its recurrence prevented. Lien

2285. Notice of the lien shall be filed and recorded by the district board in the office of the county recorder of the county in which the property is situated within six months after the first item of expenditure by the board. Notice of lien

2286. An action to foreclose the lien shall be commenced within six months after the filing and recording of the notice of lien. Action to foreclose

2287. The action shall be brought by the district board in the name of the district. Brought by district

2288. When the property is sold, enough of the proceeds to satisfy the lien and the costs of foreclosure shall be paid to the district; and the surplus, if any, shall be paid to the owner of the property if known, and if not known, shall be paid into the court in which the lien was foreclosed for the use of the owner when ascertained. Sale

2289. The lien provisions of this chapter do not apply to the property of any county, city, district, or other public corporation. However, the governing body of the county, city, district, or other public corporation shall repay to any mosquito abatement district the amount expended by the district upon any of its property under this chapter upon presentation by the district board of a verified claim or bill. Abatement on public property

2290. Any mosquito abatement district organized on or after August 14, 1931, and any such district organized prior to that date that elects to do so by a vote taken at an election called and conducted as provided for an election for a tax to raise additional funds for the district, may provide for the destruction and extermination of rats in the district; and Tax to destroy rats



may include suitable sums for that purpose in its expense estimates, which shall be raised in the manner provided by law for the raising of other sums for the district.

Destruction  
of rats

2291. The district board shall supervise and manage the destruction and extermination of rats in the district by the officers, agents, and employees of the district.

Penalty

2292. Any person who obstructs, hinders, or interferes with the entry upon any land mentioned in this article of any officer or employee of the district in the performance of his duty, and any person who obstructs, interferes with, molests, or damages any work performed by the district, is guilty of a misdemeanor.

(Added by Stats. 1941, Ch. 314.)

### Article 5. Finances and Taxation

Estimate  
of money  
needed

2300. The district board of each mosquito abatement district shall, at least 15 days before the first day of the month in which the board of supervisors of the county in which the district is situated is required by law to levy the amount of taxes required for county purposes, furnish the board of supervisors and county auditor of the county an estimate in writing of the amount of money necessary for the district's purposes during the next ensuing fiscal year. The amount of money necessary for the district's purposes may include a cash-basis fund and an emergency fund.

(Amended by Stats. 1947, Ch. 1020.)

Proration of  
estimate

2301. If the district is in more than one county the total estimate shall be prorated for each county by the district board in proportion to the value of the taxable property of the district in each county. The value of the taxable property shall be determined from the last equalized assessment rolls of the counties. When the proration of the estimate has been made, the district board shall furnish the supervisors and auditors of each county a written statement of the apportionment for that county.

2302. The board of supervisors of each county in which any part of a district is situated shall, at the time of levying county taxes, levy a tax to be known as the "----- mosquito abatement district tax," sufficient to raise the amount reported to it by the district board, upon property of the district in the county. The board of supervisors shall determine the rate of the tax by deducting 15 per cent for anticipated delinquencies from the total assessed value of the taxable property of the district within the county as it appears on the assessment roll of the county, and then dividing the sum reported to it by the district board by the remainder of the total assessed value.

(Amended by Stats. 1st Ex. Sess. 1946, Ch. 43.)

2302.1. If the rate thus produced is fifteen cents (\$0.15) or less on each one hundred dollars (\$100) of taxable property of the district in the county the county board of supervisors shall levy the tax at the rate thus produced. If the rate thus produced exceeds fifteen cents (\$0.15), the board of supervisors

may require of the district such information as will enable it to determine the necessity of the expenditures contemplated by the estimate, and, in its discretion, and after a finding of necessity therefor, levy the tax at the rate thus produced or at such lower rate as it finds will produce the amount required to meet the expenditures found by it to be necessary; but if it finds that such necessity does not exist, it shall levy the tax at the rate of fifteen cents (\$0.15) or less on each one hundred dollars (\$100) of taxable property in the district.

If the district is in more than one county, the board of supervisors of any county in which the district lies shall not levy a tax at a rate in excess of fifteen cents (\$0.15), unless the boards of supervisors of the other counties in which the district lies levy the tax at the same rate. If the boards of supervisors can not agree on a rate to be levied in excess of fifteen cents (\$0.15), the rate of tax shall not exceed fifteen cents (\$0.15). The maximum rate of the tax shall not be greater than forty cents (\$0.40) on each one hundred dollars (\$100) of taxable property of the district in the county.

(Added by Stats. 1st Ex. Sess. 1946, Ch. 43.)

2303. Whenever it appears to the district board that the amount of funds required during an ensuing fiscal year will exceed the amount that can be raised by a levy by the board of supervisors of the maximum rate for the annual district tax, the district board may call an election to submit to the electors of the district the question of whether a tax shall be voted for raising the additional funds.

Election for  
additional  
tax

2304. Notice of the election shall be published for at least four weeks prior to the election.

Notice

2305. No particular form of ballot shall be required, nor shall any informalities in conducting the election invalidate it if it is otherwise fairly conducted.

Conduct of  
election

2306. At the election the ballots shall contain the words "Shall the district vote a tax to raise the additional sum of -----?", or words equivalent thereto.

Ballot

2307. The district board shall canvass the votes cast at the election, and if a majority are in favor of the imposition of the tax, shall report the result to the board of supervisors of the county in which the district is situated, stating the additional amount of money required to be raised. If the district is in more than one county the additional amount shall be prorated for each county by the district board in the same way that the district's original total estimate of funds is prorated; and the district board shall furnish the supervisors and auditor of each county a written statement of the apportionment for that county.

Canvass

Proration  
of tax

2308. The board of supervisors of each county receiving the written statement shall, at the time of levying county taxes, levy an additional tax upon all the taxable property of the district in the county sufficient to raise the amount apportioned to that county.

Levy of addi-  
tional tax

- Collection** 2309. All taxes levied under this chapter shall be computed and entered on the county assessment roll by the county auditor and collected at the same time and in the same manner as other county taxes. When collected, the taxes shall be paid into the county treasury for the use of the district.
- Funds** 2310. If the district is in more than one county the treasury of the county in which the district is organized is the depository of all funds of the district.
- Accounting** 2311. The treasurers of the other counties shall, at any time, not oftener than twice each year, upon the order of the district board settle with the district board and pay over to the treasurer of the county where the district is organized all money in their possession belonging to the district. The last named treasurer shall receipt for the money and place it to the credit of the district.
- Withdrawal of funds** 2312. The funds shall only be withdrawn from the county treasury depository upon the warrant of the district board signed by its president or acting president, and countersigned by its secretary. However, if the county in which the district is situated has adopted a requisition system covering the withdrawal of funds for the purchase of services or supplies, the district board may, by resolution, adopt such system and make withdrawals in accordance therewith.
- (Amended by Stats. 1941, Ch. 314.)
- Cash-basis fund** 2313. The district board may establish and maintain a cash-basis fund for the purpose of defraying district expenses between the beginning of a fiscal year and the time of distribution of tax receipts in a fiscal year. Such cash-basis fund shall not exceed 60 percent of the estimated expenditures for a fiscal year.
- (Added by Stats. 1947, Ch. 1020.)
- Emergency fund** 2314. The district board may establish and maintain an emergency fund for the purpose of defraying unusual and unanticipated expenses incurred during epidemics or threatened epidemics of insect-borne diseases. Expenditures from such emergency fund may be made only upon an affirmative vote of four-fifths of the members of the district board. Such emergency fund is not to exceed 25 percent of the estimated expenditures for a fiscal year.
- (Added by Stats. 1947, Ch. 1020.)

## Article 6. Annexation

- Territory** 2330. Any territory lying adjacent and contiguous to a mosquito abatement district may be annexed to the district.
- Consent of city** 2331. If the territory is in a city, consent to the annexation shall first be obtained from the governing body of the city. An authenticated copy of the resolution or order of that body consenting to the annexation, shall be attached to the annexation petition.
- Petition** 2332. The district board, upon receiving a written petition for annexation containing a description of the territory sought



to be annexed, signed by registered voters in the territory equal in number to at least 10 per cent of the number of votes cast in the territory for the office of Governor at the last gubernatorial election prior to the time the petition is presented, shall set the petition for hearing. It shall give notice of the hearing by publishing a copy of the petition, together with notice of the time and place set for the hearing, in each county in which any part of the district or of the territory is situated, and in each city situated wholly or in part in the territory. Publication

2333. Not more than five of the names attached to the petition need appear in the publication, but the number of signers shall be stated. Names published

2333.5. As an alternative to the procedure prescribed in Sections 2332 and 2333 of the article, a city may petition for annexation to a district in the following manner: Alternative procedure

(a) The governing body of the city shall by resolution announce its intention to petition for annexation to the district setting a place and a time not less than 14 days nor more than 30 days subsequent to the adoption of the resolution, at which time any resident of the city may appear and be heard by the governing body thereon.

(b) Notice of the hearing shall be published once in a newspaper of general circulation in the city, at least seven days before the date of the hearing. Notice of hearing

(c) Upon the completion of the hearing, or any continuances thereof, the governing body of the city, two-thirds of its members concurring therein, may adopt a resolution petitioning the annexation of the city to the district. A certified copy of the resolution shall be filed with the district board.

(d) Upon receipt of a certified copy of a resolution by the governing body of a city petitioning for annexation of the city to the district, the district board shall set the petition for hearing not less than 30 days nor more than 90 days from the date on which the resolution is filed with the district board. It shall give notice of the hearing by publishing a copy of the resolution together with notice of the time and place set for hearing, not less than two times in a newspaper of general circulation in the district and in the city, the second publication thereof being at least seven days prior to the date set for hearing.

(e) Subsequent proceedings shall be conducted in the manner provided in this article. Subsequent proceedings

(Added by Stats. 1949, Ch. 427.)

2334. At the time set for the hearing the district board shall hear persons appearing in behalf of the petition and all protests and objections to it. The district board may adjourn the hearing from time to time, not exceeding two months in all. Hearing

2335. On the final hearing the district board shall make such changes as it believes advisable in the boundaries of the territory, and shall define and establish the boundaries. It shall also determine whether or not the petition meets the requirements of this chapter. Change in boundaries

Failure to  
object

2336. The failure of any person interested in the annexation of territory to the district to object to the annexation is an assent on his part to any change in the boundaries in the district that may be requested in the petition or to any change made by the district board.

Consent by  
filing

2337. The filing of the petition with the district board is an assent on the part of each of the petitioners to any change in the boundaries of the district that will include the whole or any portion of the territory described in the petition.

Finding

2338. If upon the hearing the district board finds that the petition and the proceedings thereon meet the requirements of this chapter and that it is desirable and to the interests of the district and of the territory proposed to be annexed that the territory, with boundaries as fixed and determined by the district board, or any portion of it, should be annexed to the district, the board shall order the boundaries of the district changed to include the territory, or portion of the territory.

Order of  
annexation

2339. The order of annexation shall describe the boundaries of the annexed territory and that portion of the boundary of the district which coincides with any boundary of the territory. If necessary in making the order, the board may have any portion of the boundaries surveyed.

Several  
petitions

2340. If more than one petition for the annexation of territory have been presented, the district board may in one order include in the district any number of separate territories.

Order filed  
with Secre-  
tary of State

2341. The order of annexation shall be entered in the minutes of the board and certified copies shall be filed with the Secretary of State and with the county clerk and county recorder of each county in which the district or any part of it is situated.

Effective  
date

2342. From and after the date of the filing and recording of the certified copies of the order, the territory described in the order is a part of the district, with all the rights, privileges, and powers set forth in this chapter and those necessarily incident thereto.

Effect on  
membership  
of board

2343. After the annexation of territory to a district the district board shall consist of the number and shall be appointed in the manner prescribed by this chapter for a district formed originally with boundaries embracing the annexed territory. However, the members of the district board in office at the time of the annexation shall continue to serve as members during the remainder of the terms for which they were appointed.

## Article 7. Consolidation

Consolidation

2360. Two or more contiguous mosquito abatement districts may be consolidated, or any combination of contiguous mosquito abatement districts and pest abatement districts may be consolidated.

(Amended by Stats. 1947, Ch. 1458.)

2361. Whenever in the judgment of the district board it is for the best interests of the district that it be consolidated with one or more other similar districts, it may, by a two-thirds vote of its members, adopt a resolution reciting that fact and declaring the advisability of the consolidation and the willingness of the board to consolidate. It shall then send a copy of the resolution to the board of each of the other districts with which consolidation is proposed.

Resolution  
proposing  
consolidation

2362. The district board of each of the other districts with which consolidation is proposed shall consider the proposal and give notice of its decision to the proposing board. If it appears from the original resolution and the notice of the decision of the district board of each of the other districts that two-thirds of the members of each of the boards of the districts proposed to be consolidated are in favor of consolidation, and are willing to consolidate, each of said district boards shall then, by not less than a two-thirds vote of the membership of each board, adopt a concurrent resolution in favor of consolidation, declaring their willingness to consolidate, specifying a name for the consolidated district, and specifying whether the consolidated district shall become a mosquito abatement district and be governed by the provisions of this code relating to mosquito abatement districts or become a pest abatement district and be governed by the provisions of this code relating to pest abatement districts. Immediately upon the adoption of such concurrent resolution a copy signed by not less than two-thirds of the members of each of the boards of the districts proposed to be consolidated shall be forwarded to the board of supervisors of the county in which all of the districts, or the greater portion of the land in all of the districts, are situated.

Consideration  
by other  
districts

Resolution  
for con-  
solidation

(Amended by Stats. 1947, Ch. 1458.)

2363. (Repealed by Stats. 1947, Ch. 1458.)

2364. (Repealed by Stats. 1947, Ch. 1458.)

2365. (Repealed by Stats. 1947, Ch. 1458.)

2366. (Repealed by Stats. 1947, Ch. 1458.)

2367. If it appears that not less than two-thirds of the members of each of the boards of the districts proposed to be consolidated have signed the concurrent resolution favoring consolidation of the districts, declaring their willingness to consolidate, specifying a name for the consolidated district, and specifying whether the consolidated district shall become a mosquito abatement district and be governed by the provisions of this code relative to mosquito abatement districts or become a pest abatement district and be governed by the provisions of this code relative to pest abatement districts, the board of supervisors shall immediately:

Order for  
consolidation

(a) Enter an order in its minutes consolidating all of the districts proposed to be consolidated into one district of the type specified in the concurrent resolution.

(b) Transmit a certified copy of the order to the board of supervisors of any other county in which any portion of the proposed consolidated district is situated.



(c) Record a copy in the office of the county recorder of each of the counties in which any portion of the proposed consolidated district is situated.

(d) File a copy in the office of the Secretary of State.

(Amended by Stats. 1947, Ch. 1458.)

Effective  
date

2368. After the transmission, recording, and filing of the order, the territory in the districts entering into the consolidation proposal forms a single consolidated district.

Board of  
consolidated  
district

2369. After the consolidation the district board of the consolidated district shall consist of the number and shall be appointed in the manner prescribed by this chapter for a district originally formed with boundaries embracing the territory within the district.

Members

2370. The terms of the members of the district boards of the several districts consolidated who are in office at the time of consolidation shall terminate at the time the consolidation becomes effective. The board of supervisors on the date that such consolidation becomes effective shall select and appoint officers for the consolidated district in the same manner that such officers are selected and appointed under the provisions of this code relating to a district of the type which is selected for the consolidated district by the concurrent resolution adopted in connection with the consolidation.

Appointment  
of officers

(Amended by Stats. 1947, Ch. 1458.)

Name

2371. The original resolution proposing a consolidation shall specify a name for the consolidated district.

Powers

2372. A consolidated district has all the rights, powers, duties, privileges, and obligations of a new district formed under the provisions of this code relating to a district of the type selected for the consolidated district by the concurrent resolution adopted in connection with the consolidation.

(Amended by Stats. 1947, Ch. 1458.)

Indebtedness  
paid as in  
case of dis-  
solution

2373. If at the time of a consolidation there is outstanding any indebtedness of any former districts included in the consolidated district, the indebtedness shall be paid in the manner provided for the payment of indebtedness upon the dissolution of a district.

Indebtedness  
not that of  
consolidated  
district

2374. A consolidated district shall not be liable for any indebtedness of any former districts included in it which was outstanding at the time of consolidation.

Property  
not liable

2375. No property in any of the former districts shall be taxed to pay any indebtedness of any other former district existing at the date of the consolidation.

## Article 8. Dissolution

Vote  
required

2390. The district may at any time be dissolved upon the vote of two-thirds of the qualified electors in the district at an election called by the district board upon the question. The proposition shall be submitted as follows: "Shall the district be dissolved?", or words equivalent thereto.

2391. Notice of the election shall be published for at least four weeks prior to the election in the district. Notice

2392. If two-thirds of the votes at the election are in favor of the dissolution, the district board shall certify that fact to the Secretary of State. Upon receipt of the certificate, the Secretary of State shall issue his certificate reciting that the district (naming it) has been dissolved, and shall transmit to and file a copy with the county clerk of each county in which any portion of the district is situated. Certificate of dissolution

2393. After the date of the certificate of the Secretary of State, the district is dissolved. Effective date

2394. If the district at the time of dissolution was in unincorporated territory in one county, its property vests in the county. Property in unincorporated territory

2395. If the district at the time of dissolution was situated wholly within the boundaries of a single city, its property vests in the city. Property in city

2396. If the district comprised unincorporated territory alone situated in two or more counties, its property vests in the counties in proportion to the assessed value of the district's property in each county as shown upon the last equalized county assessment roll. Property in unincorporated territory of two or more counties

2397. If the district comprised both incorporated and unincorporated territory, its property vests in each city and each county in the territory in proportion to the assessed value of the district's property in the city or county as shown upon the last equalized county assessment rolls. However, any real property, easements, or rights of way vest in: Unincorporated and incorporated territory

(a) The city in which they are situated, if situated in incorporated territory.

(b) The county in which they are situated, if situated in unincorporated territory.

2398. If at the time of the election to dissolve a district there is outstanding any indebtedness of the district, the vote to dissolve the district dissolves it for all purposes except the levy and collection of taxes for the payment of the indebtedness, and for the payment of expenses in assessing, levying, and collecting taxes. Indebtedness

Until the indebtedness is paid, the board of supervisors of the county in which the greater portion of the district was situated shall act ex officio as the district board and shall levy taxes and perform such functions as may be necessary in order to pay the indebtedness.

#### CHAPTER 5.5. MOSQUITO AND GNAT CONTROL

(Chapter 5.5 added by Stats. 1947, Ch. 704. Title amended by Stats. 1949, Ch. 695)

2425. The State department shall make such studies and demonstrations as may be necessary to determine the areas of Study of mosquito-borne diseases

the State which have a high proportion of mosquito-borne diseases, including malaria and encephalitis.

(Added by Stats. 1947, Ch. 704.)

Cooperative  
agreement

2426. The department may enter into a cooperative agreement with any local district or other public agency engaged in the work of controlling mosquitoes or gnats, or mosquitoes and gnats, in such areas and under such terms, conditions, and specifications as the board may prescribe. Such agreement may provide for financial assistance on behalf of the State and for the doing of all or any portion of the necessary work by either of the contracting parties, except that in no event shall the department agree that the State's contribution shall exceed 50 percent of the total cost of any acceptable plan.

(Added by Stats. 1947, Ch. 704; amended by Stats. 1949, Ch. 695.)

## CHAPTER 6. QUARANTINE OF DISEASES

### Article 1. Definitions

"Health  
officer"

2500. "Health officer," as used in this chapter, includes county, town, city, and district health officers, and city and district health boards, but does not include advisory health boards.

### Article 2. Functions of State Department

Places of  
quarantine

2521. The State department may establish and maintain places of quarantine or isolation.

Persons and  
objects

2522. The State department may quarantine, isolate, inspect, and disinfect persons, animals, houses, rooms, other property, places, cities, or localities, whenever in its judgment such action is necessary to protect or preserve the public health.

Destruction  
of objects

2523. The State department may destroy bedding, carpets, household goods, furnishings, materials, clothing, or animals, which, in its judgment, are an imminent menace to the public health.

Additional  
measures

2524. Upon being informed by a health officer of any contagious, infectious, or communicable disease the State department may take such measures as are necessary to ascertain the nature of the disease and prevent its spread. To that end, the State department may, if it considers it proper, take possession or control of the body of any living person, or the corpse of any deceased person.

### Article 3. Functions of Health Officers

Duty to pre-  
vent spread  
of certain  
diseases

2554. Each health officer and coroner, knowing or having reason to believe that any case of cholera, plague, yellow fever, malaria, leprosy, diphtheria, scarlet fever, smallpox, typhus fever, typhoid fever, paratyphoid fever, anthrax, glanders, epidemic cerebro-spinal meningitis, tuberculosis, pneumonia, dysentery, erysipelas, uncinariasis or hookworm, trachoma,



dengue, tetanus, measles, German measles, chickenpox, whooping cough, mumps, pellagra, beriberi, Rocky Mountain spotted (or tick) fever, syphilis, gonococcus infection, rabies, poliomyelitis, or any other contagious or infectious disease exists, or has recently existed, within the territory under his jurisdiction, shall take such measures as may be necessary to prevent the spread of the disease.

2555. Every health officer shall enforce all orders, rules, and regulations concerning quarantine prescribed or directed by the State department. Enforcement of laws and rules

2556. Each health officer, whenever required by the State department, shall establish and maintain places of quarantine or isolation that shall be subject to the special directions of the State department. Places of quarantine

2557. No quarantine shall be established by a county or city against another county or city without the written consent of the State department. Quarantine against another city or county

2558. Whenever in the judgment of the State department it is necessary for the protection or preservation of the public health, each health officer shall, when directed by the State department, do the following: Instructions of State department

(a) Quarantine and disinfect persons, animals, houses or rooms, in accordance with general and specific instructions of the State department.

(b) Destroy bedding, carpets, household goods, furnishings, materials, clothing, or animals, when ordinary means of disinfection are considered unsafe, and when the property is, in the judgment of the State department, an imminent menace to the public health.

When property is destroyed pursuant to this section, the governing body of the locality in which the destruction occurs may make adequate provision for compensation in proper cases for those injured thereby. Compensation for destroyed property

2559. Upon receiving information of the existence of: Asiatic cholera, yellow fever, typhus fever, plague, smallpox, diphtheria, or any other contagious, infectious, or communicable disease that the state department may from time to time declare quarantinable, each health officer shall: Quarantine

(a) Quarantine each case.

(b) Follow local rules and regulations, and all general and special rules, regulations, and orders of the state department, in carrying out the quarantine.

(Amended by Stats. 1947, Ch. 598.)

2559.5. All city, county and other local health officers are hereby directed to use every available means to ascertain the existence of, and immediately to investigate, all reported or suspected cases of tuberculosis in the infectious stages within their several territorial jurisdictions, and to ascertain the sources of such infections. In carrying out such investigations, all health Tuberculosis quarantine

officers are hereby invested with full powers of inspection, examination and quarantine of all persons known to be infected with tuberculosis in an infectious stage and are hereby directed :

(a) To make such examinations as are deemed necessary of persons reasonably suspected of having tuberculosis in an infectious stage.

(b) To isolate or isolate and quarantine such persons, whenever deemed necessary for the protection of the public health.

(c) Follow local rules and regulations, and all general and special rules, regulations, and orders of the state department in carrying out such quarantine or isolation.

(d) Whenever the health officer shall determine that quarantine or isolation in a particular case is necessary for the preservation and protection of the public health, he shall make an isolation or quarantine order in writing, setting forth the name of the person to be isolated, the period of time during which the order shall remain effective, the place of isolation or quarantine, and such other terms and conditions as may be necessary to protect the public health.

(e) Upon the making of an isolation or quarantine order as provided in this section, a copy of such order shall be served upon the person named in such order.

(f) Upon the receipt of information that any quarantine or isolation order, made and served as herein provided, has been violated, the health officer shall advise the district attorney of the county in which such violation has occurred, in writing, and shall submit to such district attorney the information in his possession relating to the subject matter of such isolation or quarantine order, and of such violation or violations thereof.

(Added by Stats. 1945, Ch. 221; amended by Stats. 1949, Ch. 305.)

**Exception**

2559.6. No examination or inspection shall be required of any person who depends exclusively on prayer for healing in accordance with the teachings of any well recognized religious sect, denomination or organization and claims exemption on such ground, except that the provisions regarding isolation and quarantine shall apply where there is probable cause to suspect that such person is infected with the disease in a communicable stage. Such person shall not be required to submit to any medical treatment, or to go to or be confined in a hospital or other medical institution; provided, he can be safely quarantined in his own home or other suitable place of his choice.

(Added by Stats. 1949, Ch. 305.)

**Report of  
quarantine**

2560. Each health officer who establishes any quarantine shall promptly transmit to the State department a copy of all quarantine rules, orders, and regulations, and of all subsequent changes in them, adopted by him.

**Notice of  
quarantine**

2561. When all or any part of a building, house, structure, tent, or other place is quarantined because of a contagious, infectious, or communicable disease, the health officer shall

fasten firmly on its most conspicuous part a yellow placard, upon which shall be printed the following words:

“Keep out. These premises have been quarantined by order of the ----- Note—Under the provisions of the Health and Safety Code of the State of California anyone entering or leaving these premises without the permission of the health officer is guilty of a misdemeanor.”

The word “quarantined” shall be printed in plain and legible letters at least two and one-half inches in height.

The placard shall not be removed except by the health officer, nor shall it be defaced or obscured.

2562. When quarantine is established by a health officer, all persons shall obey his rules, orders, and regulations. Quarantine rules

2563. A person subject to quarantine, residing or in a quarantined building, house, structure, or tent, shall not go beyond the lot upon which the building, house, structure, or tent is situated, nor put himself in immediate communication with any person not subject to quarantine, other than the health officer and the physician. The health officer maintaining the quarantine shall appoint, or have appointed, a suitable person to perform necessary outside services for the necessary wants of the persons quarantined. The person appointed shall not enter the building, house, structure, or tent, nor shall he come in personal contact with any of the persons quarantined. He shall leave at the entrance of the building, house, structure, or tent, or at such other place as may be designated by the health officer, all articles that he may bring thereto. He shall strictly observe the orders of the health officer. Obedience to quarantine

2564. No instructor, teacher, pupil, or child affected with any contagious, infectious, or communicable disease that is quarantined, or that is subject to being quarantined or reported, or who resides in any house, building, structure, tent, or other place where the disease exists or has recently existed, shall be permitted by any superintendent, principal, or teacher of any college, seminary, or public or private school to attend the college, seminary, or school, except by the written permission of the health officer. Exclusion of diseased person from school

2565. No quarantine shall be raised until every exposed room, together with all personal property in the room, has been thoroughly disinfected, or, if necessary, destroyed, by or under the direction of the health officer; and until all persons quarantined have taken a thorough antiseptic bath and have put on clothing free from contagion. Disinfection

2566. No milk man shall remove milk bottles or other receptacles for milk from any building, house, structure, tent, or other place in which a contagious, infectious, or communicable disease exists or has existed, nor from any place within any quarantined district, nor at any time after a quarantine has been removed, without the written permission of Removal of milk bottles from quarantined area



the health officer; and until the milk bottles or other receptacles have been disinfected and cleaned to the satisfaction of that officer.

Person from  
quarantined  
place not to  
deal in milk

2567. It is unlawful for any milkman, milk dealer, or milk distributor in whose house any case of cholera, typhus fever, plague, scarlet fever, diphtheria, membranous croup, leprosy, anthrax, glanders, cerebro-spinal meningitis, whooping cough, typhoid fever, dysentery, trachoma, or tetanus exists, to continue the sale or distribution of milk until the health officer has appointed, at the expense of the county where the milkman, dealer, or distributor lives, a person to superintend his dairy, or other place where or from which he sells, delivers, or distributes milk, and all his cows, bottles, vessels, and milk utensils. The person appointed shall strictly require that any person attending to the cows, dairy, sheds, milk cans, bottles, vessels, and milk utensils, shall not have access to, nor have any communication with the persons who reside in, the infected house, except with the permission and under the inspection of the health officer.

Reports

2568. In case of a local epidemic of disease, the health officer shall report at such times as are requested by the State department all facts concerning the disease, and the measures taken to abate and prevent its spread.

Telegraphic  
reports

2569. Each health officer shall immediately report by telegraph to the State department every discovered or known case of plague, Asiatic cholera, yellow fever, or typhus fever. Within 24 hours after investigation he shall report the cause, source, and extent of contagion and infection, and all acts done and measures adopted. He shall also make such further reports as the State department may require.

Report of  
new cases

2570. Each health officer placing any case under quarantine shall, within 24 hours thereafter, report it fully, in writing, to the State department.

Reportable  
diseases

2571. The following shall be properly reported in writing to the state department by the health officer:

Chicken pox, erysipelas, pneumonia, epilepsy, epidemic cerebro-spinal meningitis, trachoma, whooping cough, mumps, dengue, dysentery, tuberculosis, typhoid fever, tetanus, malaria, leprosy, measles, German measles, glanders and anthrax affecting human beings, rabies, syphilis, gonococcus infection, poliomyelitis, and any other disease which appears to have become epidemic.

This list of reportable diseases may be changed at any time by the state department.

When to be  
quarantined

The diseases enumerated in this section, and such others as from time to time may be added by the state department, shall be quarantined whenever in the opinion of the state department that action is necessary for the protection of the public health, and shall be isolated whenever in the opinion of the

department or health officer, isolation is necessary for the protection of the public health.

(Amended by Stats. 1939, Ch. 375, and by Stats. 1947, Ch. 598.)

2572. Each health officer, other than a county health officer, in the county shall transmit to the county health officer at least weekly in writing a report showing the number and character of infectious, contagious, or communicable diseases reported, and their location. Written report

2573. All physicians, nurses, clergymen, attendants, owners, proprietors, managers, employees, and persons living, or visiting any sick person, in any hotel, lodging house, house, building, office, structure, or other place where any person is ill of any infectious, contagious, or communicable disease, shall promptly report that fact to the health officer, together with the name of the person, if known, the place where he is confined, and the nature of the disease, if known. Report to health officer

2574. Unless otherwise directed by the State department, Sections 2559, 2561 to 2563, inclusive, 2565 to 2567, inclusive, and 2569 to 2571, inclusive, of this chapter shall be strictly observed in all cases of quarantine. Application of sections to quarantine

#### Article 4. Violations

2600. Any person who, after notice, violates, or who, upon the demand of any health officer, refuses or neglects to conform to, any rule, order, or regulation prescribed by the State department respecting a quarantine or disinfection of persons, animals, things, or places, is guilty of a misdemeanor. Penalty for violation of rule

2600.5. Any person who, after service upon him of an order of a health officer, directing his isolation as provided in Section 2559.5 violates or fails to comply with the same or any provision thereof, is guilty of a misdemeanor, and, upon conviction thereof, in addition to any and all other penalties which may be imposed by law upon such conviction, may be ordered by the court confined until such order of such health officer shall have been fully complied with or terminated by such health officer, but not exceeding six months from the date of passing judgment upon such conviction; further, provided, that the court, upon suitable assurances that such order of such health officer will be complied with, may place any person convicted of a violation of such order of such health officer upon probation for a period not to exceed two years, upon condition that the said order of said health officer be fully complied with; and provided, further, that upon any subsequent violation of such order of such health officer, such probation shall be terminated and confinement as herein provided ordered by the court. Confinement by court order

(Added by Stats. 1949, Ch. 305.)

2601. Except in the case of the removal of an afflicted person in a manner the least dangerous to the public health, any person afflicted with any contagious, infectious, or communicable disease who wilfully exposes himself; and any person Wilful exposure

who wilfully exposes another person afflicted with such disease in any public place or thoroughfare is guilty of a misdemeanor.

Penalty

2602. Any person who violates any section in Article 3 of this chapter, with the exception of 2555, is guilty of a misdemeanor, punishable by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment for a term of not more than 90 days, or by both. He is guilty of a separate offense for each day that the violation continues.

Prosecution  
by district  
attorney

2603. The district attorney of the county in which a violation of Sections 2559.5 and 2600.5 may be committed, shall prosecute all such violations and, upon the request of a health officer, shall prosecute as provided in Section 2600.5, violations of any isolation order of a health officer made and served as provided in Section 2559.5.

(Added by Stats. 1949, Ch. 305.)

## CHAPTER 8. PEST ABATEMENT DISTRICTS

### Article 1. Definitions and General Provisions

"Pest"

2800. "Pest," as used in this chapter, includes any plant, animal, insect, fish, or other matter or material, not under human control, which is offensive to the senses or interferes with the comfortable enjoyment of life, or which is detrimental to the agricultural industry of the State, and is not protected under any other provision of law.

(Amended by Stats. 1945, Ch. 957.)

Supplemen-  
tary to  
other laws

2801. This chapter is supplemental to any other provision of law relating to the abatement of pests or nuisances.

"District"

2802. "District," as used in this chapter, means any pest abatement district formed pursuant to this chapter or pursuant to any law which it supersedes.

Penalty

2803. Any person who restrains, hinders, or threatens any officer or employee of a district in the performance of his duties as such officer or employee is guilty of a misdemeanor.

(Added by Stats. 1941, Ch. 361.)

### Article 2. Formation

Petition

2822. The organization of a pest abatement district may be initiated by a petition, describing the exterior boundaries of the proposed district, and the nature of the pest or pests to be controlled or abated.

Tax basis

2822.5. The petition shall state the basis on which the property in the district shall be taxed for district purposes which shall be either on the basis of area or on the basis of assessed valuation.

(Added by Stats. 1941, Ch. 334.)



2823. The petition may fix the maximum rate of assessments that may be levied by the district. Rate of assessment

2824. The petition shall be signed by registered voters residing in the proposed district equal in number to 10 per cent of the votes cast in the proposed district for Governor at the last preceding gubernatorial election. The petition may consist of any number of separate instruments, which shall be duplicates, except for the signatures and addresses of the signers. Each person who signs the petition shall also state his address. Requirements of petition

2825. The petition shall be presented to the clerk of the county in which the land in the proposed district is situated. The clerk shall compare the signatures on the petition with the signatures of the registered voters on his records for the purpose of ascertaining whether the petition meets the signature requirements of this article. Signatures

2826. If the petition lacks sufficient signatures the county clerk shall certify that fact, and at any time within 60 days thereafter additional signatures may be presented to supplement the signatures on the original petition. The additional signatures shall be compared by the clerk in the same manner as the original signatures. If sufficient additional signatures are not presented, proceedings under the petition shall be terminated, without prejudice to the right to file a new petition. Supplementary petition

2827. If the petition contains the requisite number of signatures the clerk shall make a certificate to that effect, and shall present the petition and his certificate to the board of supervisors. Certificate of sufficiency

2828. If the board of supervisors finds that the petition has been properly presented, the board shall, by resolution, fix a time for hearing the petition, which shall be not less than two nor more than five weeks from the time of its presentation. It shall also publish a notice of the time and place of the hearing in a newspaper of general circulation, printed and published in the county, for not less than two weeks prior to the time of the hearing. Notice of hearing

2829. At the time of the hearing, or at any time to which it may be adjourned, the board of supervisors shall hear and consider all competent and relevant testimony or evidence offered in support of or in opposition to the formation of the district. Hearing

2830. The board of supervisors may make such changes in the proposed boundaries of the district as it may consider advisable. It may exclude any land in the proposed district upon the application of the owner, or it may include any land outside and contiguous to the proposed district upon the application of the owner, if it determines that the exclusion or inclusion is proper. Changes in boundaries

2831. If, upon the hearing, the board of supervisors determines that the public interest or welfare of the proposed terri- Order

tory and its inhabitants requires the formation of the district, it shall, by resolution, declare its findings and order that the territory within the boundaries determined by it is a district, under an appropriate name to be selected by it.

Effect

2832. The clerk of the board of supervisors shall immediately file a certified copy of the order in the office of the county recorder in which the district is situated and with the Secretary of State. The district is then formed as a pest abatement district, with all of the rights, privileges, and powers set forth in this chapter, and those necessarily incident thereto.

### Article 3. Administration

Board

2850. Within 30 days after incorporation the board of supervisors shall appoint a board of trustees, consisting of not less than five nor more than nine members to act as the governing body of the district. At any time after the appointment of the initial board of trustees the board of supervisors may, at the request of the existing board of trustees of the district, increase or decrease the number of members of the board of trustees, but such board shall under no circumstances consist of less than five nor more than nine members.

(Amended by Stats. 1947, Ch. 890.)

Term

2851. The members of the district board shall hold office at the pleasure of the board of supervisors. They shall serve without compensation, but shall be allowed their necessary traveling and other expenses incurred in performance of their official duties. In lieu of such expenses, the district board may, by resolution, provide for the allowance and payment to each member of the board a sum not exceeding ten dollars (\$10) as expenses incurred in attending each business meeting of the board.

Compensation

(Amended by Stats. 1947, Ch. 890.)

Purpose of district

2852. The district board may take all necessary or proper steps for the extermination of the pest or pests mentioned in the petition for the organization of the district, subject to the control of city or other public authorities having jurisdiction in the matter.

Powers

2853. The district board may:

- (a) Purchase supplies and other personal property.
- (b) Employ necessary labor.
- (c) Acquire by purchase, condemnation, or otherwise, in the name of the district, any lands, rights of way, easements or other real property necessary for the district.
- (d) Sell or lease any lands, rights of way, easements, material, or other property, real or personal, acquired by the district.
- (e) Make contracts to indemnify or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers conferred by this chapter or of powers incident thereto.
- (f) Sue and be sued.

(g) Enter upon any property in the district for the purpose of inspection and control work, and for the same purposes may enter upon property adjacent to the district which is or is susceptible of being a breeding place from which infestation may spread into the district.

(h) Do everything necessary to carry out the powers conferred by this chapter and carry out the objects of the formation of the district.

(Amended by Stats. 1941, Ch. 361, and by Stats. 1947, Ch. 890.)

2854. Every sale of real property made pursuant to subdivision (d) of Section 2853 of this code shall be made at such place within the district as the district board shall specify, and such real property shall be sold to the highest bidder at public auction, after notice of sale is published once a week for two successive weeks in a newspaper of general circulation published in the district or county. If a newspaper of general circulation is not printed and published within such district or county, public notice of the sale shall be given for at least two weeks by notices posted in three public places in the district.

Procedure  
for sale of  
real property

(Added by Stats. 1947, Ch. 890.)

#### Article 4. Taxation

2870. The district board shall annually before the tenth day of July file with the board of supervisors of the county in which the district is situated an estimate of the amount of money necessary for the purposes of the district during the ensuing fiscal year.

Estimate of  
funds needed

2871. The board of supervisors shall levy, annually, a tax sufficient to raise the amount required for the purposes of the district. If the rate has been fixed by the organization petition, the rate fixed by the board shall not exceed that rate.

Tax rate

(Amended by Stats. 1939, Ch. 449, and by Stats. 1941, Ch. 334.)

2871.5. If the petition states that the property shall be taxed on the basis of area, the rate shall be uniform and based on area of land, regardless of assessed valuation. The county assessor of each county shall prepare an assessment roll showing the names and addresses and the acreage owned by each person owning land within a district, which roll shall be the basis for the tax provided for herein.

Area of land

(Added by Stats. 1941, Ch. 334.)

2871.7. If the petition states that the property shall be taxed on the basis of assessed valuation, the board shall determine the rate of the tax by deducting 15 per cent from the total assessed value of the property in the district appearing upon the assessment roll and then dividing the amount required to be raised by the remainder of the assessed value.

Assessed  
valuation

(Added by Stats. 1941, Ch. 334.)

2872. All taxes levied under this chapter shall be assessed and collected at the same time and in the same manner as

Collection  
of tax



other taxes are collected for county purposes, and shall be paid into the county treasury to the credit of the district.

Withdrawal  
of funds

2873. The funds of the district shall be withdrawn from the treasury upon the warrant of the district board.

Transfer  
of funds

2874. The board of supervisors, from time to time, may order a temporary transfer of money from other available funds in the county treasury to the credit of the district fund. The transfer shall be made only upon resolution adopted by the board of supervisors directing the treasurer to make the transfer. It shall not exceed 85 per cent of the taxes accruing to the district, and shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year. Any funds transferred shall be replaced from the taxes accruing to the district before any other obligation of the district is met from those taxes.

Change of  
tax basis

2875. Upon application of registered voters in the district equal to the number required for a petition to initiate proceedings for the organization of the district and after notice published as prescribed for notice of hearing on a petition for organization and a hearing on the matter, the board may change the basis upon which the property in the district shall be taxed from one permitted basis to the other. Thereafter in ensuing tax periods the basis as changed shall be the basis of taxation for the district.

(Added by Stats. 1941, Ch. 334.)

Transfer of  
funds not  
immediately  
needed

2876. Notwithstanding whichever permitted basis is the basis upon which the property in the district shall be taxed, if a district is organized in any year too late for the levy of a tax in that year or in the next ensuing year, the board is hereby authorized to transfer funds of the county not immediately needed for county purposes to the district fund to be used for the payment of the expenses of such district until such time as special assessment tax receipts are available therefor. The board shall include, in the levy of taxes for the district for the first fiscal year in which a tax may be levied, a sum sufficient to repay to the county the amounts so transferred to the district for the portion or portions of the preceding fiscal year or years for which no levy of taxes was made for that purpose and the amounts so transferred shall be retransferred to the county treasury from the district fund out of the first available receipts from the tax levy.

(Added by Stats. 1949, Ch. 197.)

NOTE—Stats. 1949, Ch. 197, also contained the following provision:

SEC. 2. Nothing in this act shall be deemed to be a declaration of the intention of the Legislature concerning the meaning or application of Section 3720 of the Political Code, as adopted by Chapter 601 of the Statutes of 1935, or any statutory successor thereto, or to be a construction of said section.

## Article 5. Annexation

2900. At any time after the incorporation of a district, land contiguous to it may be annexed upon a petition of the owner, if the board of supervisors finds that the annexation will benefit both the land to be annexed and the district. Annexation:  
By petition  
of owner

2901. At any time after the incorporation of a district upon application of such persons as could have initiated proceedings for the formation of a district composed of the land sought to be annexed, land contiguous to the district may be annexed by the board of supervisors upon like procedure, notice, and hearing as provided for formation of a district. Same: By  
formation  
procedure

If it shall be made to appear to the board of supervisors that public necessity or welfare requires that land contiguous to a district be annexed thereto, the board of supervisors may adopt a resolution stating their intention to annex such territory. Such resolution shall describe the boundaries of the area proposed to be annexed and shall, so far as practicable, contain all matters of fact and finding required upon proceedings for the formation of a district and shall set a time and place at which the board will consider the annexation of such area, and shall state that all persons interested may appear and be heard. Such resolution of intention shall be published in the same manner and for the same length of time as a petition. Same: By  
resolution of  
board of  
supervisors

(Added by Stats. 1941, Ch. 333; amended by Stats. 1945, Ch. 957.)

## Article 5a. Consolidation

(Article 5a added by Stats. 1947, Ch. 1458)

2910. Two or more contiguous pest abatement districts may be consolidated, or any combination of contiguous pest abatement districts and mosquito abatement districts may be consolidated. Consolidation

(Added by Stats. 1947, Ch. 1458.)

2911. Pest abatement districts formed under the provisions of this chapter may be consolidated with other contiguous pest abatement districts, or with contiguous mosquito abatement districts organized under the provisions of Chapter 5 of Division 3 of this code, in the same manner and by the same procedure as is provided for the consolidation of mosquito abatement districts with other mosquito abatement districts or pest abatement districts in Article 7 of Chapter 5 of Division 3 of this code. All provisions in Article 7 of Chapter 5 of Division 3 of this code shall apply to pest abatement districts formed under this chapter. Same

(Added by Stats. 1947, Ch. 1458.)

## Article 6. Dissolution

2920. Upon the application of registered voters in the district equal to the number required for a petition to initiate proceedings for the formation of the district, the board of Petition

supervisors may, after notice of hearing published in the manner prescribed in this chapter for the notice of a hearing on the organization petition, dissolve the district, if it appears to the board that the dissolution is proper. The dissolution of a district shall not have any effect on any taxes previously levied.

Ex officio  
board

2921. Upon the dissolution the board of supervisors shall succeed to all the powers and jurisdiction of the district board for the purpose of winding up the affairs of the district. It may continue to levy such taxes as are necessary in winding up the affairs of the district.

Obligations

2922. No district shall be finally dissolved until all outstanding obligations of the district, including the repayment of funds transferred to the credit of the district from other funds of the county, have been fully paid and discharged.

## DIVISION 4. TUBERCULOSIS

### CHAPTER 1. GENERAL PROVISIONS

(Heading amended by Stats. 1947, Ch. 1000)

Expenditures  
declared  
proper

3099. Pulmonary tuberculosis is an infectious and communicable disease, dangerous to the public health, and all proper expenditures that may be made by any county, pursuant to this chapter, are necessary for the preservation of the public health of the county, within the meaning of Sections 450 to 456.

3100. (Amended by Stats. 1939, Ch. 1070; repealed by Stats. 1947, Ch. 1000.)

3101. (Repealed by Stats. 1947, Ch. 1000.)

### CHAPTER 2. HOSPITALS

Subsidy

3300. Each city, county, city and county, or group of counties may establish and maintain a tuberculosis ward, hospital, or sanatorium for the treatment of persons suffering from tuberculosis. Each city, county, or city and county that establishes and maintains a tuberculosis ward, hospital, or sanatorium shall receive from the State the sum provided in Section 3301.5, and each county that participates jointly with one or more other counties in the establishment and maintenance of a tuberculosis hospital, ward, or sanatorium shall receive from the State the sum specified in Section 3301.6, for persons suffering from tuberculosis, cared for therein at public expense, who are unable to pay for their support and who have no relatives legally liable and financially able to pay for their support; except that the city, county, or city and county is not entitled to receive this state aid unless the tuberculosis ward, sanatorium, or hospital conforms to the regulations of and is approved by the State Department of Public Health.

Pay patients

The hospitals shall be allowed to receive pay patients. (Amended by Stats. 1939, Ch. 1070, by Stats. 1945, Ch. 1447, and by Stats. 1947, Ch. 1000.)



3300a. (Added by Stats. 1945, Ch. 601; amended and renumbered 3300.5 by Stats. 1947, Ch. 1000.)

3300.4. The State Department of Public Health shall lease any facilities it deems necessary to care for persons afflicted with active contagious tuberculosis who violate the quarantine or isolation orders of the health officer as provided in Section 2600.5 of the Health and Safety Code. The county referring such person for such care shall not be eligible to receive subsidy for such person under the provisions of this division, and the State shall deduct from the subsidy payments to be made to such county an amount computed at the rate of three dollars (\$3) for each patient day the person is cared for in such facility.

(Added by Stats. 1949, Ch. 1091.)

3300.5. Each city, county, or city and county that establishes and maintains a tuberculosis ward or hospital shall receive from the State the sum provided in Section 3301.5 of this code for each person suffering from tuberculosis, cared for at public expense in private hospitals or sanatoriums under contract with the city, county or city and county, who is unable to pay for his support and who has no relative legally liable and financially able to pay for his support; except that the city, county, or city and county is not entitled to receive this state aid unless the tuberculosis ward, hospital or sanatorium conforms to the regulations of and is approved by the State Department of Public Health.

The hospitals and sanatoriums shall be allowed to receive pay patients.

(Sec. 3300a added by Stats. 1945, Ch. 601; amended and renumbered 3300.5 by Stats. 1947, Ch. 1000.)

3301. The medical superintendent of each hospital for which state aid is received under this chapter shall render semiannually to the State Department of Public Health a report under oath showing, for the period covered by the report:

(a) The number of patients suffering from tuberculosis cared for at public expense, and unable to pay for care.

(b) The number of days of treatment of each such patient.

In the case of hospitals, wards, or sanatoriums operated jointly by two or more counties, the patients whose admission and care have been authorized by each county shall be reported separately.

With the consent of the respective cities, counties, or groups of counties, an exchange of patients may be arranged through the State Department of Public Health without expense to the county except for transportation when the exchange seems necessary or desirable to assist in the patients' recovery.

County  
contracts

Counties may contract for the care and treatment of tuberculosis patients through their boards of supervisors, after consultation with the State Department of Public Health, with cities, counties, or groups of counties, who maintain a tuberculosis ward or hospital for the treatment of persons suffering from tuberculosis, which conforms to the regulations of, and is approved by, the State Department of Public Health, and may receive from the State the tuberculosis subsidy provided by Section 3301.5.

(Amended by Stats. 1945, Ch. 1447, and by Stats. 1947, Ch. 1000.)

Amount of  
subsidy

3301.5. The amount of the tuberculosis subsidy provided by the State to cities, counties, and cities and counties separately providing care under this chapter for persons suffering from tuberculosis shall be the following:

(a) For the first thirty-six thousand five hundred (36,500) patient days of care during a year, the amount shall be two dollars and sixty cents (\$2.60) per patient day.

(b) For the second thirty-six thousand five hundred (36,500) patient days of care during a year, the amount shall be two dollars and thirty cents (\$2.30) per patient day.

(c) For all patient days of care in excess of seventy-three thousand (73,000) patient days during a year, the amount shall be one dollar and seventy-five cents (\$1.75) per patient day.

As used in this section and in Section 3301.6, "patient day" means the period of in-patient service rendered a patient between the census taking hours on two consecutive days, and "a year" means a period of 12 months commencing on the first day of July.

(Added by Stats. 1947, Ch. 1000; amended by Stats. 1949, Ch. 1242.)

Apportion-  
ment among  
counties  
participating  
jointly

3301.6. The amount of the tuberculosis subsidy provided by the State to each county participating jointly with one or more other counties in the establishment and maintenance of a tuberculosis hospital, ward, or sanatorium shall be based upon the patient days of care provided to persons whose admission and care have been authorized by that county, as follows:

(a) For the first thirty-six thousand five hundred (36,500) patient days of care during a year, the amount shall be two dollars and sixty cents (\$2.60) per patient day.

(b) For the second thirty-six thousand five hundred (36,500) patient days of care during a year, the amount shall be two dollars and thirty cents (\$2.30) per patient day.

(c) For all patient days of care in excess of seventy-three thousand (73,000) patient days during a year, the amount shall be one dollar and seventy-five cents (\$1.75) per patient day.

(Added by Stats. 1947, Ch. 1000; amended by Stats. 1949, Ch. 1242. In effect July 27, 1949, operative July 1, 1949.)

3302. Each group of counties desiring to establish and maintain a tuberculosis ward or hospital for the treatment of persons suffering from tuberculosis shall appoint, by its board of supervisors, one supervisor as a delegate, who shall attend the general meetings of the delegates of each county in the group. The necessary expense incurred in attending such meetings is a county charge. The body thus formed shall be called the hospital central committee.

Hospital  
central  
committee

3303. Each group of counties maintaining a tubercular hospital under this chapter may by unanimous agreement provide for a different number of delegates to the hospital central committee than the number provided for in this chapter and may provide for a method of deciding a tie vote of the hospital central committee.

Number of  
delegates

3304. The hospital central committee shall designate a county within the group maintaining the hospital as the place where the business of the hospital is to be transacted and where funds of the hospital are to be kept and deposited. All county officers selected for the business of the hospital shall render all necessary assistance required by the committee in keeping with the duties of their respective offices.

Depository

3305. The delegates from each county may enter into an agreement with delegates from the other counties, on behalf of the county appointing them, binding the county to the joint enterprise and apportioning the cost of constructing, establishing, and maintaining the hospital. Money due from any county under the agreement may be collected by the hospital central committee or, on its behalf, by the board of supervisors of any county in the group, by action in the county in which the hospital is situated.

Cost

3306. The hospital central committee may appoint a committee to supervise the construction of the hospital, approve the bills, and do the usual things required of a building committee.

Building  
committee

The hospital central committee is the governing body of the hospital. It has the same powers and duties in regard to the hospital that a board of supervisors has over a county hospital. It shall adopt rules for its government, which shall include provisions for holding meetings and for the addition of other counties to the group. It may appoint such committees as are necessary, and shall prescribe their duties.

Powers of  
hospital  
central  
committee

3307. Any land required may be acquired or disposed of by the hospital central committee in such manner as may be determined by a three-fourths vote of its members, if all counties comprising a group shall have had notice of the intention to acquire or dispose of the land. Title to land may

Land



be held in the name of the entire group or in the name of any county composing the group, as trustee for the use and benefit of all, as may be determined by the hospital central committee.

**Expenses**

3308. Each county in the group shall pay its proportionate share to the hospital central committee of an amount designated by the committee to constitute a cash revolving fund to carry on the usual work and expense of the hospital. Each month a statement of the expenses of the hospital shall be sent to the board of supervisors of each county, together with a claim for its proportionate share of the expenses. The amounts when collected shall be paid into the cash revolving fund.

**Admission of patients**

3309. The hospital central committee may determine and pass upon the right of admission to the hospital of applicants, subject to the limitations of this chapter.

CHAPTER 3. (Chapter 3 added by Stats. 1939, Ch. 919; repealed by Stats. 1947, Ch. 1000)

3325. (Added by Stats. 1939, Ch. 919; repealed by Stats. 1947, Ch. 1000.)

3326. (Added by Stats. 1939, Ch. 919; repealed by Stats. 1947, Ch. 1000.)

**CHAPTER 3. PAYMENT AND EXPENDITURE OF SUBSIDY FUNDS**

(Chapter 4 added by Stats. 1939, Ch. 919; chapter heading amended and renumbered 3 by Stats. 1947, Ch. 1000)

**Fund**

3340. In order to be eligible to receive State funds made available by this division on or after July 1, 1940, the governing body of each city, county, city and county, or group of counties entitled thereto shall establish a "special tuberculosis subsidy fund."

(Added by Stats. 1939, Ch. 919.)

**Use of fund**

3341. All amounts paid to any city, county, city and county or group of counties in accordance with the provisions of this division shall be deposited in the "special tuberculosis subsidy fund." Such moneys shall be expended by the city, county, city and county or group of counties receiving it exclusively for the care and treatment of persons suffering from tuberculosis, and in the maintenance, construction or acquisition of facilities or supplies necessary for the care and treatment of such persons.

(Added by Stats. 1939, Ch. 919.)

**Cause for denial of subsidy**

3342. The failure to comply with any of the provisions of this chapter shall constitute sufficient reason to deny further payments of State funds accruing to any city, county, city and county or group of counties under this division.

(Added by Stats. 1939, Ch. 919.)

## DIVISION 5. SANITATION

## PART 1. SANITARY PROVISIONS

## CHAPTER 1. COMMON DRINKING CUPS

3700. No person conducting, having charge of, or control of, any hotel, restaurant, saloon, soda fountain, store, theater, public hall, public or private school, church, hospital, club, office building, park, playground, lavatory or washroom, barber shop, railroad train, boat, or any other public place, building, room, or conveyance, shall provide or expose for common use, or permit to be so provided or exposed, or allow to be used in common, any cup, glass, or other receptacle used for drinking purposes. Common drinking cups

3701. For the purposes of this chapter the term "common use" when applied to a drinking receptacle is defined as its use for drinking purposes by, or for, more than one person without its being thoroughly cleansed and sterilized in boiling water or steam between consecutive uses thereof; except, that the State Department of Public Health may prescribe other acceptable methods of sterilization that may be used in place of the methods specified in this chapter. "Common use"  
Sterilization

3702. No cask, water cooler, or other receptacle shall be used for storing or supplying drinking water to the public or to employees unless it is covered and protected so as to prevent persons from dipping the water therefrom or contaminating the water. All containers shall be provided with a faucet or other suitable device for drawing the water; except that jugs, cans, buckets, and similar receptacles without faucets or other devices for withdrawing water may be used if the water is protected against contamination and is withdrawn by pouring only. Water containers

3703. The State department and all health officers of counties, cities, and health districts shall enforce the provisions of this chapter. Enforcement

3704. Violation of any provision of this chapter is a misdemeanor punishable by a fine not exceeding twenty-five dollars (\$25) for each offense. Penalties

## CHAPTER 2. INFECTED PACKING MATERIALS

3750. For the purpose of this chapter the term "filthy, contaminated, or unsanitary packing material" includes any or all of the following: "Filthy, contaminated or unsanitary packing material"

(a) Packing material that has been exposed to contagious or infectious disease.

(b) Material that is contaminated with vermin.

(c) Material that is generally filthy.

(d) Filthy or used wood excelsior.

(e) Excelsior made from filthy or used paper.

- Disinfection** 3751. Unsanitary packing material shall not be used until it has been cleaned and disinfected to the satisfaction of the State Department of Agriculture, State Department of Public Health, or the agents of either or both, or by a county health officer.
- Costs of inspection** 3752. The person having such material cleaned and disinfected shall pay the costs of the inspection.
- Penalty** 3753. Every person who knowingly packs any goods intended for delivery to other parties or for transportation by common carriers with unsanitary packing material is guilty of a misdemeanor.

### CHAPTER 3. COMMON TOWELS

- Towel for common use forbidden** 3800. No person conducting, operating, or having charge or control of, any hotel, restaurant, factory, store, barber shop, office building, school, public hall, railroad train, railway station, boat, or any other public place, room, or conveyance, shall maintain or keep in or about any such place any towel for common use.
- "Common use"** 3801. For the purpose of this chapter the term "common use" when applied to a towel means its use by, or for, more than one person without its being laundered by a process involving exposure to boiling water or steam between consecutive uses of such towel; except that the State Department of Public Health may prescribe other acceptable methods of sterilization that may be used in place of the methods specified in this chapter.
- Enforcement** 3802. The State department and all health officers of counties, cities, and health districts shall enforce the provisions of this chapter.
- Penalty** 3803. Violation of any provision of this chapter is a misdemeanor punishable by a fine not exceeding twenty-five dollars (\$25) for each offense.

### CHAPTER 4. WIPING RAGS

#### Article 1. Use of Wiping Rags

- "Wiping rags"** 3900. "Wiping rags," as used in this chapter means cloths and rags used for any or all of the following purposes:
- (a) Wiping and cleaning the surfaces of machinery, machines, tools, locomotives, engines, motor cars, automobiles, cars, carriages, windows, furniture, and surfaces of articles, appliances, and engines in factories, shops, steamships, and steamboats.
  - (b) Generally for cleaning in industrial employment.
  - (c) Used by mechanics and workmen for wiping from their hands and bodies soil incident to their employment.
- Sterilization** 3901. No person shall supply or furnish to his employees for wiping rags, or sell or offer for sale for wiping rags, any soiled wearing apparel, underclothing, bedding, or parts of



soiled or used underclothing, wearing apparel, bed clothes, bedding, or soiled rags or cloths unless they have been sterilized by a process of boiling for 40 minutes in a solution containing 5 per cent of caustic soda, and unless before such boiling, the sleeves, legs, and bodies of garments are ripped and made into flat pieces.

3902. Every peace officer, health officer, or health inspector, upon proper demand and notice of his authority, may, during business hours, enter any place where wiping rags are used, are kept for sale, or offered for sale, and inspect the wiping rags. No person shall refuse to permit the inspection, or impede or obstruct the officer during the inspection. Enforcement

## Article 2. Regulation of Wiping Rag Business

3950. Each county or city may regulate the business of laundering, sterilizing, or selling wiping rags by enacting ordinances prohibiting the laundering, sterilizing, and sale, and offering for sale, of wiping rags, or cloth material for wiping rags, without a permit issued by the board of supervisors of the county, or board of health or health officer of the city, and providing for the issuance of certificates of inspection of wiping rags offered for sale. Permit

3951. The permit shall be granted as of course on a first application, and may be revoked by the board or officer authorized to issue it for a violation of this chapter or the applicable ordinance by the holder of the permit. Revocation

3952. The board, department, or officer authorized to issue permits to launder, sterilize, or sell wiping rags shall keep a record of revocation of permits and a register of: Register

(a) The names and places of business of persons to whom permits are issued.

(b) The date of issue and number of each permit.

3953. Before being sold or offered for sale, each package or parcel of wiping rags shall be plainly marked "sterilized wiping rags," and in addition it shall be plainly marked: Marking

(a) With the number and date of permit given for the conducting of the laundry in which the rags contained in the package or parcel were laundered and sterilized, and the name of the board or officer issuing the permit; or

(b) With the name and location of the laundry in which the rags were laundered and sterilized.

3954. No person shall wash, cleanse, or launder soiled rags or soiled cloth material for wiping rags by the same machinery or appliances by which clothing and articles for personal wear or household use are laundered. Laundering

## Article 3. Offenses

3960. Every person who violates any provision of this chapter is guilty of a misdemeanor. Penalty

## CHAPTER 5. (Repealed by Stats. 1939, Ch. 114)

3975. (Repealed by Stats. 1939, Ch. 114.)

## CHAPTER 6. ICE

Ice made  
or cut from  
polluted  
water

4000. No person shall make ice from, or cut natural ice in, impure or polluted water or source of water.

No person shall make ice from, or cut natural ice in, any water, or source of water, after notice from the department that the water or source of water, is impure or polluted.

No person shall offer for sale or sell for public use or consumption ice made or cut in violation of this section.

Storage  
of ice

4001. A person shall keep ice intended for public use or consumption in a place that meets all of the following requirements:

(a) Clean and free from all filth, offal, refuse, and polluted waters.

(b) Separate and removed from contact with animal or vegetable matter.

(c) Not in proximity to any cesspool, privy vault, or sewer.

(d) Where the ice is not subject to contamination from, or the action of, acids or oils, or noxious, offensive, or injurious gases, smoke, or vapors.

All ice kept or stored in violation of this section is deemed polluted ice and not fit for human consumption. No person shall sell such polluted ice.

Transporta-  
tion of ice

4002. In the transportation of ice intended for public use or consumption, care shall be taken to prevent its contact with filth, offal, or other refuse, and to prevent its contamination by animal or vegetable matter, and to prevent its contamination by offensive or noxious oils, acids, or other substances injurious, dangerous, or offensive to health.

Sale of ice

4003. No person shall sell for public use or consumption, any of the following:

(a) Ice that has been used for the cooling of malt, vinous or spirituous liquors, or for the refrigeration of butter, milk, meat or any animal or vegetable matter or substances.

(b) Ice that has been taken from any asylum, hospital, sanitarium, sick room, slaughterhouse, or any place where human or animal remains have been kept or deposited.

Inspection

4004. Any health officer or inspector, upon demand and notice of his authority, may, during reasonable hours, enter and inspect the ice, equipment, premises, sources of supply, and places of storage used by any person for storing or selling ice for human use or consumption.

No person shall interfere with or refuse to permit the inspection.

Penalty  
Penalty

Violation of this section is a misdemeanor.

4005. Violation of a rule, order, or regulation of the State Department of Public Health for the prevention of the pollution of ice or the sale or disposition of polluted ice offered,

kept, or intended for public use or consumption, is a misdemeanor.

## CHAPTER 7. WATER AND WATER SYSTEMS

(Chapter 7 added by Stats. 1947, Ch. 992)

### Article 1. Permits

4010. "Person," as used in this chapter, includes any public utility, municipality, or other public body or institution. "Person"

"User," as used in this chapter, shall be defined to include any individual, corporation or association of individuals using water for domestic purposes, except that "user" shall not be defined to include any individual, corporation, or association of individuals processing water or selling, serving, furnishing, or supplying water to the public in any manner. "User"

"Furnish or supply," as used in this chapter, is used in its normal and natural meaning, except that "furnish or supply" shall not be defined to include furnishing or supplying water to a user in a rural area for domestic purposes where the user receives the water, by pipe or otherwise, directly from an open irrigation canal system, but subject to foregoing, "furnish or supply" shall be defined to include furnishing or supplying water to two or more places of human habitation where said places are connected by an integrated pipe system owned and operated by the supplier. "Furnish or supply"

(Added by Stats. 1947, Ch. 992; amended by Stats. 1949, Ch. 1116.)

4010.5. "Water Works Standards," as used in this chapter, means the "Standards of Minimum Requirements for Safe Practice in the Production and Delivery of Water for Domestic Use" adopted by the California Section of the American Water Works Association on October 29, 1948. The board shall publish the Water Works Standards and make a copy thereof available upon request without charge to any person holding a permit under this chapter. "Water Works Standards"

(Added by Stats. 1949, Ch. 949.)

4011. No person shall furnish or supply water to a user for domestic purposes from any source of water supply, unless he first files a petition for permission so to do with the board and receives a permit as provided in this chapter. Permit to supply water

(Added by Stats. 1947, Ch. 992; amended by Stats. 1947, Ch. 1174, and by Stats. 1949, Ch. 1116.)

4011.5. No person shall modify, add to or change his source of supply or method of treatment of water for domestic purposes as authorized by a valid existing permit issued to him by said board unless he first files a petition so to do with said board and receives an amended permit as provided in this chapter authorizing such modification, addition or change in his source of supply or method of treatment as may be specified in such amended permit, or unless such modifications, additions, or changes in the source of supply or method of treatment comply Permit to change source of supply, etc.



in all particulars with such of the mandatory requirements of the Water Works Standards as pertain to the quality of water supplied to consumers. Petitions for amended permits shall be made in accordance with the provisions of this chapter for the making of a petition for a permit as herein defined and shall be investigated, considered, determined and issued or denied upon the same terms and conditions as herein provided for the granting, issuing or denial of a permit as provided in this chapter.

(Added by Stats. 1947, Ch. 1174; amended by Stats. 1949, Ch. 949.)

Petition for  
amended  
permit

4011.6. No person shall modify, add to or change his distribution system for water for domestic purposes as authorized by a valid existing permit issued to him by said board unless he first files a petition so to do with said board and receives an amended permit as provided in this chapter authorizing such modification, addition or change in his distribution system as may be specified in such amended permit, or unless such modifications, additions or changes in said distribution system comply in all particulars with such of the mandatory requirements of the Water Works Standards as pertain to the quality of water supplied to consumers. Petitions for amended permits shall be made in accordance with the provisions of this chapter for the making of a petition for a permit as herein defined and shall be investigated, considered, determined and issued or denied upon the same terms and conditions as herein provided for the granting, issuing or denial of a permit as provided in this chapter.

(Added by Stats. 1947, Ch. 1174; amended by Stats. 1949, Ch. 949.)

Plans and  
specifications

4012. With the petition shall be filed a complete set of plans and specifications, together with a statement containing a general description and history of the existing or proposed plant, works, or system or proposed changes therein, and showing the geographical location thereof with relation to the source of the water supply and all the sanitary and health conditions surrounding and affecting such supply and the plant, works, or system.

(Added by Stats. 1947, Ch. 992.)

Same

4013. The plans, specifications, and statement shall be in such form and cover such matters as the board prescribes.

(Added by Stats. 1947, Ch. 992.)

Investigation

4014. Upon receipt of a petition filed pursuant to this chapter the board shall make a thorough investigation of the proposed or existing plant, works, system, or water supply, and all other circumstances and conditions which it deems material.

Temporary  
permit

The board may for good cause grant a temporary permit to any person who has filed a petition for a permit as provided in this chapter upon such terms as it shall determine are in the public interest pending the completion of the investigation required by this section of the proposed or existing plant, works, system or water supply which temporary permit shall terminate

upon the date therein specified. Said temporary permit may be revoked or suspended as provided in this code with respect to the revocation or suspension of a permit as provided in this chapter.

(Added by Stats. 1947, Ch. 992; amended by Stats. 1947, Ch. 1174.)

4015. As a part of the investigation, and after 10 days' notice by mail to the petitioner, a hearing may be had before the board or an examiner appointed by it. At the hearing all testimony shall be given under oath, and evidence, oral and documentary, may be received, a record of which shall be made and filed with the board. Hearing

(Added by Stats. 1947, Ch. 992.)

4016. If, upon the completion of the investigation, the board determines, as a fact, that the water furnished or supplied, or proposed to be supplied is such that under all the circumstances and conditions it is impure, unwholesome, or unpotable, or may constitute a menace or danger to the health or lives of human beings, or the existing or proposed plant, works, system, or water supply, or proposed modifications, are unhealthful or insanitary, or not suited to the production and delivery of healthful, pure, and wholesome water at all times, it shall deny the petition and order the petitioner to make such changes as it deems necessary to secure a continuous supply of pure, wholesome, potable, and healthful water. Denial of petition  
  
Order for change in quality of supply

(Added by Stats. 1947, Ch. 992; amended by Stats. 1947, Ch. 1174.)

4017. (Added by Stats. 1947, Ch. 992; repealed by Stats. 1947, Ch. 1174.)

4018. The board may order such repairs, alterations, or additions to the existing plant, works, or system as to insure that the water furnished or supplied shall at all times be pure, wholesome, and potable and without danger to the lives or health of human beings. Repairs, etc.

(Added by Stats. 1947, Ch. 992.)

4019. The board may order such changes in the source of the water supply or in the installation of purification and refining works and such other measures as shall insure a continuous supply of pure, wholesome, and potable water without danger to the lives or health of human beings. Change in supply, etc.

(Added by Stats. 1947, Ch. 992.)

4020. Any order requiring changes shall designate the period within which the changes are to be made. Same: Time

A temporary permit may be issued by the board for the period fixed to permit the petitioner to comply with the order.

(Added by Stats. 1947, Ch. 992.)

4021. If the board determines that the water being furnished or supplied is such that under all the circumstances and conditions it is pure, wholesome, and potable and does not Permit

endanger the lives or health of human beings, it shall grant a permit authorizing the petitioner to furnish or continue to furnish or supply the water.

(Added by Stats. 1947, Ch. 992.)

Same:  
Revocation,  
etc.

4022. Any permit issued may be revoked or suspended by the board at any time if it determines that the water being supplied or furnished by the permittee is or may become impure, unwholesome, or unpotable or endangers or will endanger the lives or health of human beings.

(Added by Stats. 1947, Ch. 992.)

Reports

4023. The holder of a permit may at any time by order of the board and upon demand be required to furnish to the board a complete report on the condition and operation of the plant, works, system, or water supply owned, operated, or controlled by him. The report shall be made by some competent person at the sole cost and expense of the holder of the permit.

(Added by Stats. 1947, Ch. 992; amended by Stats. 1947, Ch. 1174.)

Private  
supply

4024. No permit is required of any person supplying water for domestic purposes on his own private property upon which there is no industrial camp, hotel, or temporary or permanent resort using the water.

(Added by Stats. 1947, Ch. 992; amended by Stats. 1949, Ch. 1550. Operative December 15, 1949.)

Industrial  
camps,  
hotels, etc.

4025. The board, or any member of the department designated by the board to act in its behalf, or any local health officer may issue a permit for any water system supplying less than two hundred service connections or for any system supplying an industrial camp, hotel, or temporary or permanent resort.

(Added by Stats. 1949, Ch. 1550. Operative December 15, 1949.)

## Article 2. Violations

Inspection,  
etc.

4030. The board and its inspectors may at any and all reasonable times enter any and all places, property, enclosures, and structures for the purpose of making examinations and investigations to determine whether any provision of this chapter is being violated.

(Added by Stats. 1947, Ch. 992.)

Impure,  
etc.,  
water

4031. It is unlawful for any person to furnish or supply to a user water used or intended to be used for human consumption or for domestic purposes which is impure, unwholesome, unpotable, polluted, or dangerous to health.

(Added by Stats. 1947, Ch. 992; amended by Stats. 1949, Ch. 1116.)

Violations:  
Penalty

4032. Every person who knowingly violates or knowingly fails to comply with any of the provisions of this chapter, or of any order of the board issued pursuant to this chapter, or who procures, aids, or abets in any such violation or failure, is guilty



of a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding one year, or by both.

(Added by Stats. 1947, Ch. 992; amended by Stats. 1947, Ch. 1174.)

4033. The continued existence of any violation of this chapter, or of any order of the board issued pursuant to this chapter, beyond the time stipulated for compliance with its provisions, constitutes a separate and distinct offense. Continued violation

(Added by Stats. 1947, Ch. 992; amended by Stats. 1947, Ch. 1174.)

4034. Anything done, maintained, or suffered in violation of any of the provisions of this chapter is a public nuisance dangerous to health, and may be enjoined or summarily abated in the manner provided by law. Every public officer or body lawfully empowered so to do shall abate the nuisance immediately. Public nuisance

(Added by Stats. 1947, Ch. 992; amended by Stats. 1947, Ch. 1174.)

4035. Any person who furnishes or supplies to a user water used or intended to be used for human consumption or for domestic purposes, without having an unrevoked permit so to do, may be enjoined from so doing by any court of competent jurisdiction at the suit of the board. Injunction

(Added by Stats. 1947, Ch. 992; amended by Stats. 1947, Ch. 1174, and by Stats. 1949, Ch. 1116.)

4036. (Added by Stats. 1947, Ch. 992; repealed by Stats. 1947, Ch. 1174.)

4038. (Added by Stats. 1947, Ch. 992; repealed by Stats. 1947, Ch. 1174.)

## PART 2. GARBAGE AND REFUSE DISPOSAL

### CHAPTER 1. GARBAGE DISPOSAL DISTRICTS

#### Article 1. Definitions

4100. "District," as used in this chapter, means a district formed pursuant to this chapter or pursuant to any law which it supersedes. "District"

#### Article 2. Formation

4105. Any portion or portions of a county, whether contiguous or noncontiguous, and whether the portion or portions include incorporated or unincorporated territory, may be formed into a garbage disposal district in the manner and under the proceedings in this chapter set forth; except that less than the whole of any city shall not be included in the district without unanimous consent of the governing body of the city; and except that no parcel of noncontiguous territory which is less than a full subdivision and which in no case contains less than 10 privately owned acres may be included in any district. Formation  
Consent of city

(Amended by Stats. 1947, Ch. 1047.)

Resolution of intention	4106. The board of supervisors may determine by resolution that a portion of the county is in need of facilities for the disposal of garbage and should be formed into a district.
Publication	Thereupon the board of supervisors shall fix a time and a place for a hearing on the matter of the formation of the district, which time shall be not less than three weeks after the adoption of the resolution, and shall direct the clerk of the board to publish a notice once a week for three successive weeks in a newspaper circulated in the territory which it is proposed to organize into a district, and which the board deems most likely to give notice to the inhabitants of the territory.
Time and place	4107. The notice shall state the fact that the board of supervisors of the county has fixed the time and place, which shall be stated in the notice, for a hearing on the matter of the formation of a garbage disposal district.
Description of territory	4108. The notice shall describe the territory or shall specify the exterior boundaries of the territory proposed to be organized into a district. So far as practicable the boundaries shall be the center lines of highways.
Objections	4109. At any time prior to the time fixed for a hearing of the matter, any person interested may file with the clerk of the board written objections to the formation of the district.
Hearing	At the time and place fixed for the hearing or at any time to which the hearing may be continued, the board of supervisors shall consider and pass on all objections to the creation of the district, or to the inclusion of any territory in the district. At the hearing, the board of supervisors may exclude any territory that in the opinion of the board would not be benefited by inclusion in the district.
Order or resolution	4110. At the conclusion of the hearing, the board of supervisors shall either adopt an order abandoning the creation of the proposed district or shall by resolution order the matter of the creation of the district, within the boundary lines determined upon at the hearing, to be submitted to the voters registered in the proposed district at an election to be called for that purpose. At the election only voters registered in the proposed district shall be permitted to vote.
Precincts	4111. Election precincts shall be established by the board, and election boards composed of one inspector, one judge, and one clerk shall be named.
Notice	At least one week prior to the election, notice of the election shall be given by publication in a newspaper of general circulation in the proposed district. In other matters the election shall be conducted in the manner ordered by the board of supervisors.
Formation upon election	4112. If at the election a majority of all those voting upon the question of creation of the district, and a majority of those voting thereon in each city is in favor of the formation of the district, the board of supervisors shall make an order forming the district and thereupon it is formed. The order shall contain the name of the district, and a description

of the boundaries, or otherwise indicate its territorial extent. The order is conclusive evidence of the regularity of all prior proceedings, except the adoption and publication in full of the resolution of intention, and of the fact of the holding of the hearing on formation.

### Article 3. Administration and Powers

4120. The board of supervisors is the governing body of the district and may do any or all of the following: Powers

(a) Make and enforce all rules and regulations necessary for the administration and government of the district, and for the collection and disposal of garbage and other refuse matter in the district.

(b) Appoint agents and employees for the district sufficient to maintain and operate the property acquired for the purposes of the district.

(c) Acquire by gift, purchase, condemnation, or otherwise, in the name of the county, and own, control, manage, and dispose of any interest in real or personal property, or, necessary or convenient for the collection and disposal of the garbage or other refuse matter of the district.

(d) Perform all of the acts necessary or proper to accomplish the purposes of this chapter.

4121. The board of supervisors may enter into contracts for the disposal of garbage and other refuse matter. Whenever the board enters into, or renews such a contract, it shall advertise for bids for the performance of the work in a newspaper of general circulation in the county. The advertisement shall be published for at least 10 consecutive times in a daily newspaper or for at least two consecutive times in a weekly newspaper. If there is no newspaper of general circulation published in the county, then the notice shall be given by posting in three public places for at least two weeks. Contracts  
Call for bids

All bidders shall be afforded opportunity to ascertain the details of the nature of the work to be done under the contract. The contract shall be let to the lowest responsible bidder. If no satisfactory bid is obtained the board may reject all bids. Letting contract

4122. The title of all property which is acquired for a district vests in the county. Whenever all of the territory in the district is annexed or otherwise included in any city, then the district is dissolved and the property becomes the property of the city. All money in the county treasury to the credit of the district shall upon the annexation or inclusion of the district be forthwith transferred to the treasury of the city and be used only for the purpose for which it was available prior to the transfer. Property



## Article 4. Taxation

**Taxation** 4127. The board of supervisors shall levy a tax each year upon the taxable property in the district sufficient to defray the cost of the disposal of garbage and other refuse in the district, and of the maintenance of the district, and to meet such other expenditures as are authorized by this chapter. The tax shall be levied and collected at the same time and in the same manner as general county taxes levied for county purposes and when collected shall be paid into the county treasury and shall be used in furtherance of the purposes of this chapter.

## Article 5. Annexation

**Annexation** 4135. The boundaries of any district may be altered, and outlying districts or territory, whether incorporated or unincorporated, and whether contiguous or noncontiguous, may be annexed as provided in this article; provided, however, that no parcel of noncontiguous territory which contains less than 10 privately owned acres may be annexed to any district.

(Amended by Stats. 1947, Ch. 1047.)

**Resolution setting hearing** 4136. The board may by resolution fix a time and place for a hearing upon the question of the annexation of territory to a district. The resolution shall describe the boundaries of the territory proposed to be annexed. The date set for the hearing on the proposed annexation shall be at least three weeks after the date of the adoption of the resolution setting the hearing.

(Amended by Stats. 1947, Ch. 1047; repealed and added by Stats. 1949, Ch. 359.)

**Posting of notice** 4137. The board shall cause notices of the hearing to be posted in at least three conspicuous places in the territory proposed to be annexed and in at least three conspicuous places in the district.

(Repealed and added by Stats. 1949, Ch. 359.)

**"Notice of hearing"** 4138. The notices shall be headed "notice of hearing" in letters not less than one inch in height and shall contain a description of the territory proposed to be annexed and a statement of the time and place of the hearing. In lieu of the description the boundaries of territory proposed to be annexed may be shown by means of a diagram printed upon the notice. The notices shall be posted not less than ten days prior to the date set for the hearing. In addition to the notices the board shall direct its clerk to publish a notice once a week for two successive weeks in the newspaper of general circulation circulated in the district and in the territory proposed to be annexed that the board deems most likely to give notice of the hearing to the inhabitants of each.

(Amended by Stats. 1947, Ch. 1047; repealed and added by Stats. 1949, Ch. 359.)

**Hearing** 4139. At the time fixed for the hearing or at any time to which it is continued the board shall hear and pass upon the proposal and any objections that may be filed to the inclusion of any property in the proposed annexation.

The board may, by order entered upon its minutes, determine that the territory proposed to be annexed or any part will be benefited by annexation and may order that the boundaries of the district be altered to include that territory.

Less than the whole of any city shall not be annexed to the district except by unanimous consent of the governing body of the city. Unanimous consent

(Amended by Stats. 1947, Ch. 1047; repealed and added by Stats. 1949, Ch. 359.)

### Article 6. Withdrawal of Territory

4143. Any portion of a district that will not be benefited by remaining in the district may be withdrawn therefrom as provided in this article. Withdrawal

4144. Upon receiving a petition signed by 50 or more freeholders in the portion desired to be withdrawn from any district, or by a majority of the freeholders, if there are less than 100 freeholders in the portion sought to be withdrawn, requesting the withdrawal of that portion from the district on the ground that it will not be benefited by remaining in the district, the board of supervisors shall fix for the hearing of the petition and for hearing protests to the continuance of the remaining territory as a garbage disposal district a time that shall not be less than 10 days, nor more than 30 days after the receipt of the petition. Petition

4145. The board of supervisors shall, at least a week prior to the time so fixed, publish a notice of the hearing by one insertion in a newspaper circulated in the district that the board deems most likely to give notice to the inhabitants of the portion of the district proposed for withdrawal. Notice

4146. Any person interested may appear at the hearing and object to the withdrawal of the portion from the district, or may object to the continuance of the remaining territory as a district, and the board of supervisors shall consider all objections and shall pass upon them. If it finds that the portion of the district sought to be withdrawn will not be benefited by remaining in the district, and that the territory not sought to be withdrawn will be benefited by continuing as a garbage disposal district, then it shall grant the petition. Hearing  
Order

4147. Upon the withdrawal of any territory from a district, as in this chapter provided, all property acquired for the district shall remain vested in the county and be used for the purpose of the district; except, that if the territory sought to be withdrawn from the district includes any incorporated territory, then a part of the money in the county treasury to the credit of the fund of the district shall be paid over to the city in accordance with the ratio that the territory of the city sought to be withdrawn from the district bears to the territory of the entire district. Property

## Article 7. Dissolution

Dissolution	4160. A district may be dissolved by the board of supervisors as provided in this article.
Petition	4161. Upon receiving a petition signed by 50 or more freeholders and residents of the district, or by a majority of the freeholders and residents if there are less than 100 freeholders and residents in the district, requesting the dissolution of the district, the board of supervisors shall fix a time for the hearing of the petition, which shall not be less than 10 nor more than 30 days after the receipt of the petition, and shall, at least a week prior to the time so fixed, publish a notice of the hearing by one insertion in a newspaper circulated in the district.
Notice	
Hearing	4162. At the time appointed for the hearing or at any time to which it may be continued, the board of supervisors shall hear and pass upon the petition and may grant or deny it, and its decision thereon is final and conclusive.
Order	4163. If the petition is granted, the board of supervisors shall by resolution order the dissolution of the district and the district is then dissolved, and the property of the district remains the property of the county. Any money remaining in the fund of the district shall be expended in the maintenance and repair of the highways in the district whether such highways at the time of dissolution are in incorporated territory or in unincorporated territory.
Funds	

## CHAPTER 1.5. GARBAGE AND REFUSE DISPOSAL DISTRICTS

(Chapter 1.5 added by Stats. 1951, Ch. 964.  
In effect June 11, 1951)

## Article 1. Definitions

(Article 1 added by Stats. 1951, Ch. 964.  
In effect June 11, 1951)

"District"	4170. "District," as used in this chapter, means a district formed pursuant to this chapter or pursuant to any law which it supersedes. (Added by Stats. 1951, Ch. 964. In effect June 11, 1951.)
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## Article 2. Formation

(Article 2 added by Stats. 1951, Ch. 964.  
In effect June 11, 1951)

Territory	4171. Any contiguous portion or portions of a county whether the portion or portions include incorporated or unincorporated territory, may be formed into a garbage and refuse disposal district in the manner and under the proceedings in this chapter set forth: except that no city or any portion thereof
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shall be included in the district without the consent of the governing body of the city, such consent being adopted by a favorable vote of two-thirds or more of its members.

(Added by Stats. 1951, Ch. 964. In effect June 11, 1951.)

4172. The board of supervisors may determine by resolution that a portion of the county is in need of a site for the disposal of garbage and refuse and should be formed into a district. Resolution

Thereupon the board of supervisors shall fix a time and a place for a hearing on the matter of the formation of the district, which time shall be not less than three weeks after the adoption of the resolution, and shall direct the clerk of the board to publish a notice once a week for three successive weeks in a newspaper circulated in the territory which it is proposed to organize into a district, and which the board deems most likely to give notice to the inhabitants of the territory. Hearing  
Notice:

(Added by Stats. 1951, Ch. 964. In effect June 11, 1951.)

4173. The notice shall state the fact that the board of supervisors of the county has fixed the time and place, which shall be stated in the notice, for a hearing on the matter of the formation of a garbage and refuse disposal district. Contents

(Added by Stats. 1951, Ch. 964. In effect June 11, 1951.)

4174. The notice shall describe the territory or shall specify the exterior boundaries of the territory proposed to be organized into a district. Same

(Added by Stats. 1951, Ch. 964. In effect June 11, 1951.)

4175. At any time prior to the time fixed for a hearing of the matter, any person interested may file with the clerk of the board written objections to the formation of the district. At the time and place fixed for the hearing or at any time to which the hearing may be continued, the board of supervisors shall consider and pass on all objections to the creation of the district, or to the inclusion of any territory in the district. At the hearing, the board of supervisors may exclude any territory that in the opinion of the board would not be benefited by inclusion in the district. Objections  
Exclusion of territory

(Added by Stats. 1951, Ch. 964. In effect June 11, 1951.)

4176. On the final hearing the board of supervisors shall make such changes in the proposed boundaries as are advisable, and shall define and establish the boundaries. Boundaries

(Added by Stats. 1951, Ch. 964. In effect June 11, 1951.)

4177. If, from the testimony given before the board of supervisors, it appears to that board that the public necessity or welfare requires the formation of the district, it shall, by an order entered on its minutes, declare that to be its finding, and shall further declare and order that the territory within the boundaries so fixed and determined be organized as a district, under an appropriate name to be selected by the board of supervisors. The name shall contain the words "garbage and refuse disposal district." Organiza-  
tion order  
Name

(Added by Stats. 1951, Ch. 964. In effect June 11, 1951.)

4178. The county clerk shall immediately file for record in the office of the county recorder of each county in which any Filing of  
order

portion of the land embraced in the district is situated, and shall also forward to each board of supervisors of each of the other counties, if any, in which any portion of the district is situated, and also shall file with the Secretary of State, a certified copy of the order of the board of supervisors. From and after the date of the filing of the certified copy with the Secretary of State, the district named therein is organized as a district, with all the rights, privileges, and powers set forth in this chapter, or necessarily incident thereto.

(Added by Stats. 1951, Ch. 964. In effect June 11, 1951.)

### Article 3. Board of Directors

(Article 3 added by Stats. 1951, Ch. 964.  
In effect June 11, 1951)

**Directors:** 4179. Within 30 days after the filing with the Secretary of State of the certified copy of the order of formation, a governing board of trustees for the district shall be appointed. The governing board of a district is a board of directors of not less than three members. The district board shall be appointed as follows:

**Appoint-  
ment**

(a) If the district includes only one incorporated city two members of the governing body shall be selected by the board of supervisors and one member of the governing body shall be selected by the city council;

(b) If the district includes two or more cities only one member of the governing body of the district shall be selected by the board of supervisors to represent the unincorporated area. The legislative body of each city within the district shall appoint one member to represent each incorporated city within the district. In the event that the selection of members pursuant to this subdivision results in the governing body having an even number of members, those members may appoint an additional member from the district at large.

**Vacancy**

A vacancy shall be filled in the same manner as an original appointment. The person appointed shall reside within the area he represents.

(Added by Stats. 1951, Ch. 964. In effect June 11, 1951.)

### Article 4. Powers and Duties

(Article 4 added by Stats. 1951, Ch. 964. In effect June 11, 1951)

**Powers of  
governing  
body**

4180. The governing body of the district may do any or all of the following:

(a) Make and enforce all rules and regulations necessary for the administration and government of the district and for the operation and maintenance of the garbage and refuse disposal site acquired by the district;

(b) Appoint agents, employees, and experts for the district sufficient to maintain and operate the property acquired for the purposes of the district;

(c) Enter into such contracts with other public agencies as may be necessary or proper to accomplish the purposes of the district;

(d) Acquire by gift, purchase, condemnation, or otherwise in the name of the district, and own, control, manage, dispose of and exchange any interest and real or personal property;

(e) Perform all acts necessary or proper to accomplish the purposes of this chapter.

(f) Maintain and operate a garbage disposal site and facilities and fix and collect fees for the use thereof.

(g) Borrow money and incur indebtedness and guarantee the performance of its legal or contractual obligations.

(Added by Stats. 1951, Ch. 964. In effect June 11, 1951.)

### Article 5. Taxation

(Article 5 added by Stats. 1951, Ch. 964. In effect June 11, 1951)

4181. The district board shall, at least 15 days before the first day of the month in which the board of supervisors of the county in which the district is situated is required by law to levy the amount of taxes required for county purposes, furnish the board of supervisors and county auditor of the county an estimate in writing of the amount of money necessary for the district's purposes during the next ensuing fiscal year. The county tax collector shall collect the district taxes at the same time and in the same manner as the county taxes are collected. All money collected for district purposes shall be paid into the county treasury and paid out on warrants of the county auditor drawn on the county treasurer, upon order of the district board. The amount of money necessary for the district's purposes may include a cash-basis fund.

Estimate  
of expenses

Disposition  
of moneys

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

4182. The board of supervisors of each county in which any part of a district is situated shall, at the time of levying county taxes, levy a tax to be known as the " \* \* \* garbage and refuse disposal district tax," sufficient to raise the amount reported to it by the district board, upon property of the district in the county. The board of supervisors shall determine the rate of the tax by deducting 15 percent for anticipated delinquencies from the total assessed value of the taxable property of the district within the county as it appears on the assessment roll of the county, and then dividing the sum reported to it by the district board by the remainder of the total assessed value.

Tax levy

Rate

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

4183. For the purposes of the district the board of supervisors shall levy a tax of not to exceed fifteen cents (\$0.15) on each one hundred dollars (\$100) of taxable property of the district in the county.

Maximum

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

4184. The district board may establish and maintain a cash-basis fund for the purpose of defraying district expenses between the beginning of a fiscal year and the time of distribution of tax receipts in a fiscal year. Such cash-basis fund shall

Cash-basis  
fund



not exceed 60 percent of the estimated expenditures for a fiscal year.

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

Transfer of  
county funds

4185. If a district is organized in any year too late for the levy of a tax in that year or in the next ensuing year, the board of supervisors may transfer funds of the county not immediately required for county purposes to the district fund to be used for the payment of expenses of such district until such time as district tax receipts are available therefor. The board of supervisors shall include in the levy of taxes for the district for the fiscal year in which a tax may be levied, a sum sufficient to repay to the county the amounts so transferred to the district for the portion or portions for the preceding fiscal years for which the levy of taxes was made for that purpose and the amount so transferred shall be retransferred to the county treasury from the district fund out of the first available receipts from the tax levy.

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

### Article 6. Bonds

(Article 6 added by Stats. 1951, Ch. 964. Effective June 11, 1951. See also Section 4186.30)

General  
obligation  
bonds

4186. No general obligation bonds shall be issued by the district unless the issuance thereof is approved by the electors of the district at a special election as provided in this article. If the district board finds that it is necessary to incur a bonded indebtedness to obtain funds with which to carry out the purposes of the district, it may submit the proposition to the voters of the district. For that purpose a special election shall be called by resolution.

Resolution  
calling  
election:

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

Contents

4186.01. The resolution shall state all of the following:

(a) The general objects and purposes for which it is proposed to incur an indebtedness.

(b) A general description of all property to be acquired or damaged and work to be executed through the expenditure of the funds secured by the issuance and sale of the bonds.

(c) An estimate of the cost of the proposed work.

(d) The amount of the bonds proposed to be issued.

(e) The number of years not to exceed which the whole of the bonds are to run.

(f) The rate of interest or a maximum rate of interest to be paid.

(g) The date of the election.

(h) The election precincts, polling places, and election officers.

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

Consolidation  
of precincts

4186.02. For the purposes of the bond election the district board may consolidate into one precinct several precincts established for general election purposes and describe the precinct by reference to the general election precincts.

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

4186.03. An election board consisting of one inspector, one judge and one clerk shall be appointed by the district board for each precinct.

Election  
board

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

4186.04. Only voters registered in the district are eligible to vote at the bond election.

Voters'  
qualifications

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

4186.05. A resolution calling the election shall be published once a week for three successive weeks in a newspaper having a general circulation in the district and designated by the district board. No other notice of the election need be given.

Publication  
of resolution

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

4186.06. If two-thirds of the votes cast are in favor of incurring the bonded indebtedness as proposed, bonds of the district for the amount stated in the resolution calling the election shall be issued and sold.

Authoriza-  
tion by vote

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

4186.07. The validity of the bonds after their issuance shall not be questioned in any court except on the ground that the provisions of this chapter authorizing their issuance are unconstitutional, or that the required hearing regarding the formation of the district was not regularly held or proper notice of it was not given.

Validity

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

4186.08. The district board shall prescribe by resolution the form of the bonds, and interest coupons. The bonds shall be payable at such times and at a place to be fixed by the board, and designated in the bonds, together with interest on all sums unpaid on that date until the whole of the indebtedness has been paid. The term of the bonds issued shall not exceed 40 years.

Form of  
bonds

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

4186.09. The bonds shall be issued in such denominations as the district board determines, except that no bond shall be of a denomination less than one hundred dollars (\$100) or greater than one thousand dollars (\$1,000). They shall be payable on the day and at the place fixed in the bonds, and with interest at the rate specified in the bonds, which rate shall not be in excess of 6 percent per annum, and shall, after the first year, be payable semiannually.

Denomina-  
tion, etc., of  
bonds

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

4186.10. The bonds shall be signed by the chairman of the district board and countersigned by the county auditor, and the seal of the district board shall be affixed. The interest coupons of the bonds shall be numbered consecutively and signed by the county auditor by his engraved or lithographed signature.

Execution  
of bonds

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

4186.11. If any officer whose signature or countersignature appears on the bonds ceases to be an officer before the delivery of the bonds to the purchaser, his signature or countersignature

Effect of  
signature

shall be as valid as if he had remained in office until the delivery of the bonds.

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

**Sale price** 4186.12. The district board may issue and sell bonds of the district at not less than par value, and the proceeds shall be placed in the treasury of the county.

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

**Disposition of pre-  
miums, etc.** 4186.13. All premiums and acerued interest received shall be paid into the fund to be used for the payment of principal and interest on the bonds and the remainder of the proceeds of the sale shall be paid into the construction fund of the district, and proper records of the transactions shall be placed upon the books of the county treasurer.

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

**Construction  
fund** 4186.14. The construction fund shall be applied exclusively to the purposes and objects mentioned in the resolution calling the bond election.

Payments from the construction fund shall be made upon demands allowed by the district board, and prepared, presented, and audited in the same manner as demands upon funds of the county.

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

**Call for new  
election** 4186.15. If the proposition of issuing bonds submitted at the bond election fails to receive the requisite number of votes, the district board may, at the expiration of six months after that election, call or order another bond election, either for the same objects and purposes, or for any other object or purpose of the district.

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

**Additional  
bonds** 4186.16. If bonds have been issued by the district and the proceeds of the sale have been expended and the district board by resolution passed by a vote of two-thirds of all its members determines that the public interest or necessity of the district demands the issuance of additional bonds for carrying out any of the objects of the district, the board may again submit to the voters the question of issuing additional bonds in the same manner as for a first issue. All provisions of this chapter for the issuance and sale of bonds, and for the expenditure of proceeds, apply to the issuance of additional bonds.

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

**Payment of  
bonds, etc.** 4186.17. Bonds and interest thereon shall be paid by revenue derived from an annual tax upon the property in the district, and all the property in the district shall be and remain liable to be taxed for such payments. Said bonds and the interest thereon shall not be taxable in this State.

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

**Issue of  
bonds  
defined** 4186.18. (a) An issue of bonds is hereby defined to be the aggregate principal amount of all of the bonds authorized to be issued in accordance with a proposal submitted to and approved by the electors of the district, but no indebtedness will be deemed to have been contracted until bonds shall have been



sold and delivered and then only to the extent of the principal amount of the bonds so sold and delivered.

(b) The district board of any district issuing bonds may, in its discretion, divide the aggregate principal amount of such issue into two or more divisions or series and fix different dates for the bonds of each separate division or series. In the event any authorized issue is divided into two or more divisions or series, the bonds of each division or series may be made payable at such time or times as may be fixed by the district board separate and distinct from the time or times the payment of bonds of any other division or series of the same issue.

Division of  
issue

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

4186.19. Whenever a district has issued bonds, the district board shall include in its annual statement to the board of supervisors as to the amount of money needed for district purposes during the next ensuing fiscal year pursuant to Section 4181, it shall include, in addition thereto, the amount necessary to pay the interest and principal on such bonds as will become due before the time for making the next general tax levy.

Statement  
of expenses

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

4186.20. If the district board fails to furnish to the board of supervisors a statement of the amount of money necessary to pay the principal and interest on the bonds as provided for in Section 4186.19, the board of supervisors of the county shall ascertain that amount and shall levy it and cause it to be collected.

Same:  
Failure to  
include bond  
payments

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

4186.21. The principal and interest on the bonds shall be paid by the treasurer of the county in the manner now or hereinafter provided by law for the principal and interest of the bonds of the county.

Payment  
of bonds

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

## Article 6. Revenue Bonds

(Article 6 added by Stats. 1951, Ch. 964. Effective June 11, 1951. See also Section 4186)

4186.30. A district formed pursuant to the provisions of this chapter is a local agency within the meaning of the Sanitation, Sewer and Water Revenue Bond Law of 1941, and the provisions of that law are applicable to such a district.

Applicability  
of certain  
provisions

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

## Article 7. Change of Boundaries

(Article 7 added by Stats. 1951, Ch. 964. Effective June 11, 1951)

4187. The boundaries of any district may be altered, and outlying contiguous territory, whether incorporated or unincorporated, may be annexed as provided in this article.

Alteration of  
boundaries

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

Annexation  
petition:

4188. A petition signed by 50 or more freeholders in the territory proposed to be annexed, or by a majority of the freeholders if there are less than 100 within the portion proposed to be annexed, designating the boundaries of the territory proposed to be annexed and asking that it be annexed to the district, shall be presented to the board of supervisors.

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

## Notice

4189. At its first regular meeting after the presentation of the petition, the board of supervisors shall cause notice of the petition to be published in a newspaper published and circulated in the territory sought to be annexed, if there is one, otherwise, by posting copies of the notice in three of the most conspicuous places in the territory proposed to be annexed, for three weeks prior to the date to be fixed by the board for hearing the petition.

## Hearing

Upon the date fixed for the hearing, or to which it may be continued, the board of supervisors shall consider the petition, and any objections which may be filed to the inclusion of any property in the district.

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

Grant of  
petition

4190. The board of supervisors may by order entered on its minutes grant the petition either in whole or in part, and by order entered on its minutes alter the boundaries of the district to annex all, or such portion of the territory described in the petition as will be benefited by inclusion in the district, and from and after the making of the order, the territory is a part of the district, and shall be taxed, together with the remainder of the district, for all taxes to be thereafter levied by the board of supervisors for the operation and maintenance of the district.

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

## Limitations

4191. No territory which will not be so benefited, or which is not described in the petition, shall be included in the district, and the board shall provide for public hearings for property owners petitioning said board for such hearing and upon proper presentation being made by property owners that property of their ownership is not benefited by the district the board thereupon shall exclude such property from the district.

No city or portion thereof shall be annexed to the districts unless and until the governing body of the city has consented thereto, such consent being adopted by a favorable vote of two-thirds or more of the governing body.

No city or portion thereof shall be annexed to the district unless and until the governing body of the city has consented thereto, such consent being adopted by a favorable vote of two-thirds or more of the governing body.

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

Withdrawal  
of territory

4192. Any portion of a district that will not be benefited by remaining in the district may be withdrawn therefrom by the same procedure as is provided for the annexation of territory.

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

4193. Upon the withdrawal of any territory from a district, <sup>Same</sup> all property acquired for the district shall remain vested in the district and be used for the purposes of the district; except, that if a city withdraws from the district, then that part of the money in the county treasury to the credit of the fund of the district shall be paid over to the city in accordance with the ratio that the territory of the city bears to the territory of the entire district. If the district subsequently sells all or a part of any garbage and refuse disposal site acquired by it when such withdrawn territory is a part of the district, a similar proportionate share shall be paid to the territory that has withdrawn from the territory.

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

### Article 8. Dissolution

(Article 8 added by Stats. 1951, Ch. 964.  
Effective June 11, 1951)

4194. A district may be dissolved by the board of super- <sup>Procedure</sup>visors as provided in this article.

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

4195. Upon receiving a petition signed by 50 or more free- <sup>Petition</sup>holders and residents of the district, or by a majority of the freeholders and residents if there are less than 100 freeholders and residents in the district, requesting the dissolution of the district, the board of supervisors shall fix a time for the hearing of the petition, which shall not be less than 10 nor more than 30 days after the receipt of the petition, and shall, at least a week prior to the time so fixed, publish a notice of the hearing by one insertion in a newspaper circulated in the district.

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

4196. At the time appointed for the hearing or at any time <sup>Hearing</sup>to which it may be continued, the board of supervisors shall hear and pass upon the petition and may grant or deny it, and its decision thereon is final and conclusive.

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

4197. If the petition is granted, the board of supervisors <sup>Resolution</sup>shall by resolution order the dissolution of the district and the district is then dissolved, and its remaining real and personal property shall be sold by the county at public auction to the <sup>Disposal of property</sup>highest bidder. The proceeds from the sale of such property shall be paid over to the public agencies within the district in accordance with the ratio that the territory of each such public agency within the district bears to the territory of the entire district.

(Added by Stats. 1951, Ch. 964. Effective June 11, 1951.)

## CHAPTER 2. FRANCHISE BY COUNTIES

4200. Every franchise or privilege for the disposal or <sup>Franchise</sup>destruction, or both, of garbage, waste, offal, and debris, shall be granted by the board of supervisors of any county only under the terms and conditions of this chapter.



Resolution of Intention	4201. Any county may, by resolution of the board of supervisors, call for bids for the granting of a franchise, exclusive or otherwise, for the disposal or destruction, or both, of garbage, waste, offal, and debris, according to the terms and conditions set forth in the resolution, for a period of time not to exceed 25 years.
Notice	Thereafter the board of supervisors shall cause to be published once a week for two successive weeks a notice which shall set forth all of the terms and conditions embraced in the resolution and the time, date, and place for the receiving and opening of sealed bids, which shall not be sooner than four full weeks from date of the first publication of the notice.
Bids	Upon examination by the board of supervisors of the bids, the franchise may be awarded to the best bidder. The board of supervisors may postpone the granting of the franchise from time to time until it has had a full and complete opportunity to examine into the merits of each bid.
Bond	4202. The successful bidder shall file with the board of supervisors, upon grant of the franchise, a bond in favor of the county in an amount and under such terms and conditions as may be prescribed by the board of supervisors.
Additional terms and conditions	4203. The county may, in the resolution and advertised notice, impose terms and conditions other than those mentioned in this chapter so long as they are not in conflict with the provisions of this chapter.
Conditions, etc., in bid	4204. A bidder may in his franchise bid set forth such propositions, terms, and conditions as he may desire to offer, or receive the benefit from, which may be in addition to, or in conflict with, those mentioned in the resolution or advertised notice calling for bids, so long as they are not in conflict with the provisions of this chapter.

## CHAPTER 2.5. CITY GARBAGE DISPOSAL CONTRACTS

(Chapter 2.5 added by Stats. 1949, Ch. 860)

Authority to contract	4250. The legislative body of any incorporated city may contract for the collection or disposal, or both, of garbage, waste, refuse, rubbish, offal, trimmings or other refuse matter under such terms and conditions as may be prescribed by the legislative body of any such city by resolution or ordinance. (Added by Stats. 1949, Ch. 860.)
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## CHAPTER 3. FUMES ESCAPING FROM BURNING GARBAGE

### Article 1. Cremation of Refuse, Generally

Application of article	4300. No person shall operate in any city, city and county, or town any crematory for the destruction by fire heat of garbage, ashes, offal, or other refuse matter, except as provided in this chapter.
Contami- nation of atmosphere	4301. No such crematory shall be operated in this State except in such a manner as will prevent the propagation of disease through contamination of the atmosphere of any city,

city and county, or town by the gases or fumes arising from the fires or ovens of the crematory.

4302. Every person who burns by fire heat or destroys by Penalty cremation any garbage, ashes, offal, or other refuse matter, in violation of the provisions of this article is guilty of a misdemeanor.

## Article 2. Cremation of Animal Refuse

4303. Every person who destroys or who attempts to Approval of incinerator destroy the carcass of any dead animal, or the offal from any slaughter pen, corral, or butcher shop by fire within one-fourth of a mile of any city, town, or village, except in a crematory, the construction and operation of which is satisfactory to the board of health of the city or the health officer of the town, is guilty of a misdemeanor, punishable by imprisonment in the county jail not exceeding one year, or by fine not exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment.

## CHAPTER 4. POLLUTION OF WATERS AND PUBLIC PLACES

### Article 1. Navigable Waters

4400. For the purpose of this article the term "garbage" "Garbage" includes any or all of the following:

- (a) Garbage.
- (b) Swill.
- (c) Refuse.
- (d) Cans.
- (e) Bottles.
- (f) Paper.
- (g) Vegetable matter.
- (h) Carcass of any dead animal.
- (i) Offal from any slaughter pen or butcher shop.
- (j) Trash.
- (k) Rubbish.

4401. Every person who places, deposits, or dumps any Garbage in navigable waters garbage in or upon the navigable waters of this State, or who places, deposits, or loads it upon any vessel, with intent that it shall be dumped or deposited in or upon the navigable waters of this State, or at any point in the ocean within 20 miles of any point on the coast line of the State, is guilty of a misdemeanor.

4402. Every person in charge of any vessel who permits Loading garbage it to be loaded with any garbage with intent that it shall be dumped or deposited from the vessel in or upon any of the navigable waters of this State, or at any point in the ocean, within 20 miles of any point on the coast line of the State, is guilty of a misdemeanor.

4403. A vessel upon which any garbage has been loaded Inspector with the intent that it shall be dumped or deposited upon any of the waters of the ocean where permitted by this article,

shall not leave any point within the State unless it shall carry for the entire trip an inspector appointed by the State Department of Public Health, or where the point of departure is in a city, then by the city. The inspector shall enforce the provisions of this article.

Every person in charge of a vessel which is required to have an inspector on board by this article, and which does not carry an inspector during the entire trip, is guilty of a misdemeanor.

Sewer  
systems

4404. This article shall not be construed to affect the discharge of any sewer system.

## Article 2. Water Supply

Contami-  
nation of  
water

**4450.** No person shall put the carcass of any dead animal, or the offal from any slaughter pen, corral, or butcher shop, into any river, creek, pond, reservoir, or stream.

Contamina-  
tion of  
water supply

4451. No person shall put any water closet, privy, cesspool or septic tank, or the carcass of any dead animal, or any offal of any kind, in, or upon the borders of, any stream, pond, lake, or reservoir from which water is drawn for the supply of any portion of the inhabitants of this State, in such a manner that the drainage of the water closet, privy, cesspool or septic tank, or carcass, or offal may be taken up by or in the water.

(Amended by Stats. 1949, Ch. 1550.)

Drainage  
into water  
supply

4452. No person shall allow any water closet, privy, cesspool, or septic tank, or carcass of any dead animal, or any offal of any kind, to remain in or upon the borders of any stream, pond, lake, or reservoir within the boundaries of any land owned or occupied by him, in such a manner that the drainage from the water closet, privy, cesspool or septic tank, or carcass, or offal, may be taken up by or in the stream, pond, lake, or reservoir, if water is drawn therefrom for the supply of any portion of the inhabitants of this State.

(Amended by Stats. 1949, Ch. 1550.)

Contami-  
nation of  
water by  
livestock

**4453.** No person shall keep any horses, mules, cattle, swine, sheep, or live stock of any kind, penned, corraled, or housed on, over, or on the borders of any such stream, pond, lake, or reservoir, in such a manner that the waters become polluted, if water is drawn therefrom for the supply of any portion of the inhabitants of this State.

Contami-  
nation of  
water supply  
by livestock

**4454.** No person shall cause or permit any horses, cattle, sheep, swine, poultry, or any kind of live stock or domestic animals, to pollute the waters, or tributaries of waters, used or intended for drinking purposes by any portion of the inhabitants of this State.

Bathing in  
water supply

**4455.** No person shall bathe, except as permitted by law, in any stream, pond, lake, or reservoir from which water is drawn for the supply of any portion of the inhabitants of this State, or by any other means foul or pollute the waters of any such stream, pond, lake, or reservoir.

Grazing of  
livestock

**4455.5.** Nothing in this article shall be held to prevent the grazing of livestock in areas embracing any stream or watershed



where such grazing would not tend to render such waters unwholesome or injurious to the public health.

(Added by Stats. 1945, Ch. 698.)

4456. Every person who washes clothes in any spring, stream, river, lake, reservoir, well, or other waters which are used or intended for drinking purposes by the inhabitants of the vicinage or of any city, county, or town, of this State, is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than 90 days, or a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by both such fine and imprisonment. Washing clothes in water supply

Each day's violation of this section is a separate offense.

4457. Every person who violates, or refuses or neglects to conform to, any sanitary rule, order, or regulation prescribed by the State Department of Public Health for the prevention of the pollution of springs, streams, rivers, lakes, wells, or other waters used or intended to be used for human or animal consumption, is guilty of a misdemeanor. Penalty

4458. No person shall construct, maintain or use any sewer well extending to or into a subterranean water-bearing stratum that is used or intended to be used as, or is suitable for, a source of water supply for domestic purposes. Sewer well:

"Sewer well" as used in this section includes all of the following: Definition

(a) Any hole dug or drilled into the ground, and intended for use as a water supply, which has been abandoned and is being used for the disposal of sewage.

(b) Any hole dug or drilled into the ground, used or intended to be used for the disposal of sewage.

(Added by Stats. 1949, Ch. 1550.)

4459. It is unlawful for the owner, tenant, lessee, or occupant of any houseboat or boat intended for or capable of being used as a residence, house, dwelling, or habitation, or agent of such owner, tenant, lessee, or occupant to moor or anchor it or permit it to be moored or anchored in or on any river or stream, the waters of which are used for drinking or domestic purposes by any city, town, or village, within a distance of two miles above the intake or place where the city, town, or village water system takes water from the river or stream. This section does not apply to the mooring or anchoring of a houseboat when necessary, during transportation, for a period of not longer than one day. Houseboats, etc.

(Added by Stats. 1949, Ch. 1550.)

4460. Violation of this article may be enjoined by any court of competent jurisdiction at the suit of any person whose supply of water for human or animal consumption or for domestic purposes is or may be affected, or by the state department. Injunction

(Added by Stats. 1949, Ch. 1550.)

4461. Anything done, maintained, or suffered, in violation of any of the provisions of this article is a public nuisance, dangerous to health, and may be summarily abated as such. Public nuisance

(Added by Stats. 1949, Ch. 1550.)

## Article 3. Public Places

Contamina-  
tion of  
public places

4475. Every person who places, deposits, or dumps, or who causes to be placed, deposited or dumped, or who causes or allows to overflow, any sewage, sludge, cesspool or septic tank effluent, or accumulation of human excreta, or any garbage, in or upon any street, alley, public highway, or road in common use or upon any public park or other public property other than property designated or set aside for such purpose by the governing board or body having charge thereof, or upon any private property into or upon which the public is admitted by easement, license or otherwise, is guilty of a misdemeanor.

(Amended by Stats. 1939, Ch. 535, by Stats. 1945, Ch. 1015, and by Stats. 1949, Ch. 1550.)

## Article 4. Punishment for Violations, Generally

Penalty

4485. Violation of any provision of this chapter is a misdemeanor.

(Amended by Stats. 1939, Ch. 535.)

## PART 3. SEWERS

## CHAPTER 1. MUNICIPAL SEWER DISTRICTS, ACT OF 1911

## Article 1. Definitions and General Provisions

"District"

4600. "District," as used in this chapter, means any district formed pursuant to this chapter or pursuant to any law which it supersedes.

"Sewer"

4601. "Sewer," as used in this chapter, includes sewers for sanitary or drainage purposes, and drains, conduits, and outlets for surface or storm waters.

Scope and  
effect of  
chapter

4602. This chapter does not affect any other law under which sewer work or improvement may be done within or by any city but it provides an alternate system of proceedings for sewer work and improvements. The governing body of any city may proceed in making improvements either under this chapter, or under any other law. But when any proceedings are commenced under this chapter its provisions and such amendments as may hereafter be adopted, shall thereafter apply to all work done under those proceedings until completion.

If, after sewer work or improvement has been done or sewers acquired under this chapter the governing body of any city corporation deems it necessary or convenient to construct or acquire any additional sewer or sewers, the governing body may proceed to make improvement either under this chapter or under any other appropriate law.

## Article 2. Formation

Formation

4605. The governing body of any city may create from time to time in the city separate sewer districts whenever in its judgment the districts are necessary or convenient for proper sanitation and drainage.

4606. Districts may be formed to construct or acquire sewers and to provide for the incurring of indebtedness to pay for the cost of the construction or acquisition of sewers. Purpose

4607. Whenever the governing body of a city determines that the public interest or convenience requires the construction, or acquisition by purchase or otherwise, of sewers in any part of the territory of the city, it shall pass a resolution to that effect. Resolution of  
Intention

4608. The resolution shall be passed by a vote of two-thirds of all its members and be approved by the mayor. Vote

4609. The resolution shall:

- (a) Describe the boundaries of the proposed district. Contents of  
resolution
- (b) Designate the district by a distinctive name and number.
- (c) Declare the district to be the district benefited by the work, or improvement, or acquisition of the sewer.
- (d) Name a time and place for the hearing of objections by any person interested in the formation of the district or in the inclusion within the district of any land within the boundaries described in the resolution.

(Amended by Stats. 1939, Ch. 1124.)

4610. The resolution, together with the names of the members of the governing body, voting for and against it and the name of the mayor approving it shall be published for at least two weeks successively next before the day fixed for the hearing in a newspaper of general circulation printed and published in the city. Publication

4611. On the day fixed for the hearing, or any day to which the hearing is adjourned, the governing body shall hear and consider any objections presented to the formation of the district or to the inclusion of any lands in the district. After the hearing of the objections, if it shall be determined by a vote of two-thirds of all the members of the governing body that the public interest requires the formation of the district, the governing body shall proceed to fix and determine its boundaries. Hearing

4612. After making all necessary and proper changes in the boundaries, by a resolution passed by a vote of two-thirds of all its members, and approved by the mayor of the city, the governing body shall establish the district, and fix and determine its boundaries. This resolution, together with the names of the members of the governing body voting for and against the resolution and the name of the mayor approving it shall be spread upon the minutes of the governing body. Resolution  
establishing  
district

### Article 3. Issuance of Bonds

4615. At any meeting after the passage and recording of the resolution, by ordinance passed by a vote of two-thirds of all its members and approved by the mayor, the governing body may: Purpose of  
bond issue

- (a) Adopt plans and specifications for the proposed sewer work, if to be constructed.



(b) Describe the territorial district upon which the expense of the proposed sewer work, improvement, or acquisition, shall be chargeable.

Contents of  
ordinance

(c) Provide for a special election to be held in the city.

4616. The ordinance calling the special election shall:

(a) Recite the objects and purposes for which the indebtedness is to be incurred.

(b) State the estimated cost of the proposed sewer work or improvement, or sewer system to be acquired.

(c) State the amount of the principal of the indebtedness to be incurred.

(d) State the rate of interest or a maximum rate of interest to be paid on the indebtedness, which rate shall not be more than the rate specified in this chapter.

(e) Fix the date on which the special election shall be held.

(f) Determine the manner of holding the election, and the manner of voting for or against the incurring of the indebtedness.

(Amended by Stats. 1939, Ch. 1124.)

Election

4617. In all particulars not recited in the ordinance, the election shall be held as is provided by law for holding general municipal elections in the city.

At the election only the proposition of incurring indebtedness for the purposes set forth in the ordinance may be submitted to the voters of the city.

Interest  
rate

4618. The maximum rate of interest to be paid on the bonded indebtedness shall be 6 per centum per annum, and shall, after the first principal maturity, be payable semiannually.

Bonds payable  
subsequent to  
second  
installment  
of taxes

Bonds may be made payable on a date subsequent to the time fixed for the collection of the second installment of general district taxes. In such event the first interest coupons shall be for interest from the date of said bonds to the maturity date of said coupons.

(Amended by Stats. 1951, Ch. 1648, Effective July 23, 1951.)

Publication

4619. The ordinance shall be published once a day for five days prior to the date set for the election, in a daily newspaper of general circulation printed and published in the city or, if none, it shall be published once a week for two successive weeks prior to the date set for the election in a weekly or semiweekly newspaper of general circulation, printed and published in the city.

Posting

In cities where no newspaper is published, the ordinance shall be posted in three public places in the district for two successive weeks prior to the date set for the election. No other notice of the election need be given.

Election

4620. If two-thirds of the votes cast are in favor of the issuance of the bonds, the bonds may be issued and the indebtedness incurred.

If less than two-thirds of the votes cast are in favor of the issuance of the bonds, the governing body of the city shall not within six months after the election pass any ordinance calling another election for incurring any indebtedness for sewer

**work within that district or in any district which has within its boundaries any of the territory of that district.**

4621. All bonds issued under this chapter shall be issued in the name of the city in which the district has been formed, and shall be payable in the manner determined by the city governing body, at a place within the United States, to be fixed by the governing body and designated in the bonds, together with the interest on all sums unpaid at that date, until the whole of the indebtedness has been paid. Issue and payment

(Amended by Stats. 1951, Ch. 1648. Effective July 23, 1951.)

4622. The bonds shall be issued in such denominations as the governing body determines, except that no bonds shall be of a denomination less than one hundred dollars (\$100) nor greater than one thousand dollars (\$1,000). Denominations

The bonds shall be signed by any officer of the city, designated for that purpose by the governing body by resolution adopted by a two-thirds vote of all of its members, and shall also be signed by the city treasurer and countersigned by the city clerk. Signatures

The coupons of the bonds shall be numbered consecutively and signed by the treasurer. Coupons

If any officer whose signature or countersignature appears on the bonds or coupons ceases to be an officer before the delivery of the bonds to the purchaser, his signature or countersignature is as valid and sufficient for all purposes, as if he had remained in office. Effect of signature

(Amended by Stats. 1951, Ch. 1648. Effective July 23, 1951.)

4623. The governing body of the city in which the district has been created may issue and sell the bonds at not less than their par value, and the proceeds of the sale shall be placed in the city treasury to the credit of the proper sewer district fund and shall be applied exclusively to the purposes and objects specified in the ordinance calling the election. Proceeds

4624. If the result of any election upon the question of the issuance of bonds is in favor of issuance, the board may, in its discretion, commence in the superior court of the county, a special proceeding to determine its right to issue the bonds and their validity, similar to the proceeding in relation to irrigation bonds, provided for by the "Irrigation District Law," and all supplementary acts, and all their provisions apply to and govern the proceedings to be commenced by the board, so far as applicable. Determination of validity

The judgment has the same effect as a judgment in relation to irrigation bonds under the provisions of that act. Judgment

(Added by Stats. 1951, Ch. 1648. Effective July 23, 1951.)

#### Article 4. Performance of Work

4627. Before the governing body awards contracts for doing any sewer work or improvement, the expense of which is to be paid out of the proceeds of sales of the bonds issued under this chapter, it shall cause notice with specifications to Notice for bids

be posted conspicuously for five days on or near the chamber door of the governing body. The notice shall invite sealed bids for doing the sewer work or improvement. The governing body shall also cause notice of the proposed work and invitations to bid referring to the specifications posted or on file, to be published for two consecutive insertions in a daily, semiweekly, or weekly newspaper if there is one published and circulated in the city. If none, the posting is sufficient.

**Form of bid** 4628. All bids offered shall be accompanied by a check, payable to the order of the mayor, certified by a responsible bank for an amount which shall be not less than 10 per cent of the aggregate of the bid, or by a bond for that amount and so payable, signed by the bidder, and by two sureties who shall justify before an officer competent to administer an oath, in double the amount of the bond, over and above all statutory exemptions.

**Examination of bids** 4629. The bids shall be delivered to the clerk of the governing body, and the governing body shall in open session examine and publicly declare them. It may reject any or all bids if it deems this for the public good, and shall reject all bids other than the lowest bid of any responsible bidder, and may award the contract for the work or improvement to the lowest responsible bidder at the price named in his bid, if the award is approved by the mayor, or is made by a three-fourths vote of the governing body.

**Rejection of bids** 4630. If an award is not approved by the mayor or made by a three-fourths vote of the governing body, without further proceedings the governing body may readvertise for bids for the performance of the work as in the first instance, and thereafter again proceed pursuant to this article. The checks and bonds furnished in connection with the bid so rejected shall be returned.

**Security** 4631. The check or bond accompanying an accepted bid shall be held by the clerk of the city until the contract for doing the work has been entered into by the successful bidder.

If any bidder fails, neglects, or refuses to enter into the contract to perform the work within 10 days after the contract has been awarded to him, the certified check accompanying his bid and the amount for which it is drawn is forfeited to the city.

**Performance bonds** 4632. The governing body may require such bonds as it deems adequate from bidders to whom contracts for the work or improvement are awarded, to insure the faithful performance of the contracts.

**Officer acting on behalf of city** 4633. The governing body may designate any city officer, in his official capacity, to make all written contracts and receive all bonds authorized by this article, and to fix the time for the commencement, which shall not be more than 15 days from the date of the contract, and for the completion of the work under all contracts entered into by him. All work shall be prosecuted with diligence from day to day until completion. He may extend the time so fixed from time to time under the direction of the governing body.



4634. Instead of letting contracts for the work, the city may itself construct or complete the sewer or improvement, and buy the necessary materials, and employ the necessary labor.

City doing  
work  
directly

4635. In any city operating under a charter framed under Section 8, Article XI of the Constitution and providing for a board or department of public works, all the things required to be done and performed by the governing body of the city in connection with the letting of contracts for, or the performance of the work of the district shall be done and performed by the board or department of public works of the city, and if the charter also prescribes the manner of letting and entering into contracts for the furnishing of labor, materials, or supplies for the construction or completion of public works or improvements, all contracts for the construction or completion of sewer work or improvements shall be let and entered into in conformity with the provisions of the charter.

Chartered  
city

4636. The governing body of each city in which sewer work or improvement is being made or acquired under this chapter shall make all needful rules and regulations for carrying out and maintaining the sewer work or improvement, and may appoint all agents, superintendents, and engineers necessary properly to look after the construction and operation of the sewers. However, in any city operating under a charter framed under Section 8 of Article XI of the Constitution of the State and having a board or department of public works, the powers and duties of the governing body stated in this section shall be exercised and performed by the city board or department of public works.

Rules and  
regulations  
for work

Chartered  
city

4636.7. The provisions of the act entitled "An act to secure the payment of the claims of persons employed by contractors upon public works, and the claims of persons who furnished materials, supplies, teams, implements or machinery used or consumed by such contractors in the performance of such works, and prescribing the duties of certain public officers with respect thereto," approved May 10, 1919, are applicable to contracts for sewer work or improvements awarded by the governing body.

Mechanics'  
and mate-  
rialmen's  
liens

(Added by Stats. 1939, Ch. 1124.)

4636.8. The district may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation, for the joint acquisition or construction or use of any sewer or sewers or other works or facilities for the handling, treatment or disposal of sewage or industrial waste from the district and such other area as may be designated in said contract, when in the judgment of the legislative body of said district it is for the best interests of the district so to do. Any such contract may provide for the construction and maintenance of such sewer or sewers, or such other works or facilities, and for the payment by or for the parties thereto of such proportionate part of the

Contracts  
with gov-  
ernmental  
agencies  
re joint  
facilities

cost of the acquisition, construction or maintenance of such sewer or sewers or other works or facilities as may be stated in said contract, the payments to be made at such times and in such amounts as may be provided by said contract. Any such contract may provide for the joint use of any sewer or sewers, works or facilities for the handling, treatment or disposal of sewage or industrial waste upon such terms and conditions as may be agreed upon by the parties thereto, and for the flowage, treatment or disposal of sewage or industrial waste from such area for each of the parties thereto as may be described in the contract.

Any district which has acquired or constructed or which proposes to acquire or construct, any sewer or sewers, or works or other facilities for the handling, treatment or disposal of sewage or industrial waste, may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation for the use of any such sewer or sewers, works or facilities by any such county, city and county, municipal corporation, district or other public corporation, or for the flowage, treatment or disposal of sewage or industrial waste from any area designated by such person, firm or corporation so contracting, upon such terms and conditions as may be provided in said contract.

(Added by Stats. 1949, Ch. 843.)

## Article 5. Taxation and Finances

Bond tax	4638. Until the bonds are paid, or until there is a sum in the city treasury set aside for the purpose, sufficient to meet all sums coming due for the principal and interest on the bonds, the city governing body shall, at the time of fixing, and in the manner provided for the general tax levy, levy and collect each year upon the property situated in the district, and upon that property only, a tax sufficient to pay the annual interest on the bonds, and also such part of the principal as will become due before the time for fixing the next general tax levy. However, if the maturity of the indebtedness created by the issuance of all or any part of the bonds is made to begin more than one year after date of issuance, the tax shall be levied and collected annually, sufficient to pay the interest on the indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal when or before the payments provided for become due.
Sinking fund	
Purpose of tax	4639. The taxes required to be levied and collected by this article shall be in addition to all other taxes levied for city purposes, and shall be used for no purpose other than the payment of the principal and interest due on the bonds.

## CHAPTER 2. SEWER DISTRICTS, ACT OF 1899

Title	4659. This chapter may be cited as the Sewer Districts in Unincorporated Territory Act. (Added by Stats. 1943, Ch. 765.)
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4660. Whenever one-third of the voters resident in any unincorporated territory in a county desire the formation of a sewer district, they shall file a petition with the board of supervisors of the county. The petition shall describe the exterior boundaries of the proposed district and shall pray for the formation of a sewer district. Upon the filing of such a petition the board of supervisors shall set a day for a hearing of any and all objections by all or any persons interested in the formation of such sewer district, and shall publish a notice of the petition, time and place of hearing, and a description of the exterior boundaries of the proposed district for 10 days in some daily paper in the nearest municipal corporation, if there is one, if not, publication shall be made weekly for two successive weeks in a weekly paper published in the nearest municipality.

Petition

(Amended by Stats. 1939, Ch. 1124.)

4661. On the day fixed for the hearing or any day to which the hearing is adjourned the board of supervisors shall hear and consider any objections presented to the formation of the district or to the inclusion of any lands in the district. After the hearing of the objections, if it shall be determined by a vote of two-thirds of all the members of the board of supervisors that the public interest requires the formation of the district, the board of supervisors shall proceed to fix and determine the boundaries. After making all necessary and proper changes in the boundaries, by a resolution passed by a vote of two-thirds of all its members, the board of supervisors shall establish such sewer district and permanently fix and determine its boundaries. This resolution, together with the names of the members of the board of supervisors voting for and against the resolution, shall be spread upon the minutes of the board of supervisors.

Hearing

Formation

(Amended by Stats. 1939, Ch. 1124.)

4662. After the formation of the sewerage district, the board of supervisors may lay out and construct sewers therein, and provide for making connections with the sewer by property holders and other persons resident within the district, and for the maintenance and extension of the sewerage district. The board of supervisors shall compel property holders to connect all buildings with the sewers.

Construction of sewers

Connection

4663. Whenever a sewerage district is formed under this chapter of territory adjacent to any city having a sewerage system, the district sewerage system shall be connected with and have its outlet through the city sewerage system; but no connection can be made or maintained with the city sewerage system of any city without the consent of the city governing body.

Connection with city sewer

4664. When connection is made with the city sewer system, the board of supervisors, from the funds collected from the taxes levied under this chapter, shall pay to the city annually

Charges for use of city system



the sum of money that is fixed as charges by the board of supervisors and the city governing body for the privilege of connecting and maintaining connection with the city sewer system. This amount may vary from year to year as the board of supervisors and the city governing body deem reasonable.

Tax

4665. At the time of making each tax levy subsequent to the formation of the district, the board of supervisors shall levy such an amount of taxes upon the taxable property of the district as the board deems necessary for carrying out the provisions of this chapter and for the purposes of the district. The taxes shall be collected in the same manner as county taxes are collected. The board of supervisors shall provide in the levy for assessing and collecting a sufficient amount of money to pay to any city whose sewers shall be connected with pursuant to this chapter the amount fixed as charges for the privilege of connecting with the city sewerage system.

Taxes, etc.,  
for use of  
facilities

4665.5. As an alternate or supplemental method of raising the money to carry out the provisions of this chapter the board of supervisors may fix and collect use taxes, fees, tolls or charges for the use of facilities or lines maintained or operated by the district sufficient in amount to pay for the expenses, or a portion thereof, of the district in maintaining, operating, and repairing any works, lines, or improvements of the district and to defray all other expenses incidental to the exercise of any of the district's powers, including a sufficient amount of money, or a portion thereof, to pay to any city whose sewers shall be connected with pursuant to this chapter, the amount fixed as charges for the privilege of connecting with the city sewerage system or having the city maintain the sewer lines in the streets and public easements.

(Added by Stats. 1951, Ch. 1501.)

Notice to  
district  
of charge  
by city

4666. Before the first day of March preceding the fiscal year for which the charge is made, the city governing body shall fix, and notify the board of supervisors of, the amount of the charge.

Contracts  
with gov-  
ernmental  
agencies  
re joint  
facilities

4667. The district may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation, for the joint acquisition or construction or use of any sewer or sewers or other works or facilities for the handling, treatment or disposal of sewage or industrial waste from the district and such other area as may be designated in said contract, when in the judgment of the legislative body of said district it is for the best interests of the district so to do. Any such contract may provide for the construction and maintenance of such sewer or sewers, or such other works or facilities, and for the payment by or for the parties thereto of such proportionate part of the cost of the acquisition, construction or maintenance of such sewer or sewers or other works or facilities as may be stated in said contract, the payments to be made at such times

and in such amounts as may be provided by said contract. Any such contract may provide for the joint use of any sewer or sewers, works or facilities for the handling, treatment or disposal of sewage or industrial waste upon such terms and conditions as may be agreed upon by the parties thereto, and for the flowage, treatment or disposal of sewage or industrial waste from such area for each of the parties thereto as may be described in the contract.

Any district which has acquired or constructed or which proposes to acquire or construct, any sewer or sewers, or works or other facilities for the handling, treatment or disposal of sewage or industrial waste, may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation for the use of any such sewer or sewers, works or facilities by any such county, city and county, municipal corporation, district or other public corporation, or for the flowage, treatment or disposal of sewage or industrial waste from any area designated by such person, firm or corporation so contracting, upon such terms and conditions as may be provided in said contract.

(Added by Stats. 1949, Ch. 843.)

4675. See 4765.

### CHAPTER 3. COUNTY SANITATION DISTRICTS

#### Article 1. General Provisions

4700. This chapter shall be known and cited as the "County Title Sanitation District Act."

4701. "District," as used in this chapter, means any county sanitation district formed pursuant to this chapter or pursuant to any law which it supersedes. "District"

4702. "District board," as used in this chapter, means the board of directors of a district. "District board"

4703. Districts may be formed, maintained, and governed in any county as provided in this chapter. Application of chapter

4704. Districts formed or proposed to be formed under this chapter are not subject to the "District Investigation Act of 1933." Law inapplicable

(Added by Stats. 1945, Ch. 1351; amended by Stats. 1947, Ch. 645.)

#### Article 2. Formation

4710. A board of supervisors desiring to form a county sanitation district shall adopt a resolution of its intention to do so. The resolution shall contain all of the following: Resolution of intention

(a) A statement of the intention to form a district.

(b) The boundaries of the proposed district or some other designation of its territorial extent.

(c) The name of the proposed district.

(d) The time and place where objections to the formation of the district or to its extent will be heard.

(e) Instructions to the clerk of the board to publish the resolution and notices of hearing.

Extent of  
district

4711. The district as formed may include unincorporated or incorporated territory, or both. The incorporated territory included in the district may include the whole or part of one or more cities. However, less than the whole of a city shall not be included in the district except by the vote of a majority of the governing body of the city.

Inclusion of  
portion of  
other similar  
district

The district shall not include the whole or any part of any other district formed for similar purposes unless the governing body of such other district shall consent thereto and the board of supervisors, after a hearing, shall find and determine by resolution duly adopted that the proposed inclusion of the whole or part of such other district within the sanitation district is in the public interest and the territory affected will benefit thereby.

Notice

Notice of such hearing shall be given by publication in at least two successive issues, not more than 30 nor less than 10 days prior to the hearing, in a newspaper of general circulation published within the county.

(Amended by Stats. (1st Ex. Sess.) 1946, Ch. 62, and by Stats. 1947, Ch. 1376.)

Time and  
place of  
hearing

4712. The time to be fixed for the hearing of objections shall be not less than 30 days after the adoption of the resolution. The hearing shall be held at the regular meeting place of the board of supervisors or else at some place in the proposed district.

(Amended by Stats. 1939, Ch. 596.)

Publication

4713. Prior to the time of hearing, the resolution shall be published at length twice in at least one newspaper of general circulation in the proposed district and brief notices of the passage of the resolution and the time and place of the hearing may be published in one or more daily or weekly newspapers published and circulated in the proposed district.

(Amended by Stats. 1939, Ch. 596.)

Hearing

4714. At the time provided in the resolution of intention or at any time to which the hearing is continued, the board of supervisors shall hear any objections to the formation of the district or to its extent. At the hearing the board of supervisors may exclude any territory that in its opinion will not be benefited by being in the district.

Protest

4715. If written objection to the formation of the district, signed by 2 per cent of the voters registered in the district, is filed with the board, it shall, and in any event it may, either adopt an order abandoning the formation of the proposed district or order the matter of the formation of the district with the boundary lines determined at the close of the hearing submitted to the voters of the proposed district at an election.

Election

4716. At the election only voters registered in the proposed district may vote. Election precincts shall be established by the board of supervisors, and precinct boards, composed of one inspector, one judge, and one clerk, shall be appointed. At least one week prior to the election, notice of

Notice



the election shall be given by publication in a newspaper of general circulation in the proposed district. In other particulars the election shall be conducted in the manner ordered by the board of supervisors.

4717. At the conclusion of the hearing, or if an election is held and the canvass of the election returns shows that a majority of all the votes cast in the entire proposed district and that a majority of the votes cast on the question in each city or part thereof in the proposed district were in favor of the formation of the district, the board of supervisors may, if it deems best, make an order forming the district.

(Amended by Stats. 1939, Ch. 596.)

4718. The order of formation shall contain the name of the district, and a description of the boundaries or otherwise indicate its territory. The order is conclusive evidence of the regularity of all prior proceedings, except the adoption and publication in full of the resolution of intention and of the fact of the hearing.

### Article 3. Officers

4730. The governing body of a sanitation district is a board of directors of not less than three members. The presiding officer of the governing body of each city, the whole or part of which is included in the sanitation district, is a member of the board. A member of the governing body of each sanitary district, the whole or part of which is included in the sanitation district, is a member of the board.

If the sanitation district includes territory which is unincorporated and not included in a sanitary district, then the presiding officer of the county board of supervisors is a member of the board.

The governing body of each city and the board of supervisors shall each select one of its members, other than its presiding officer, as an alternate director to act as a member of the district board in place of the presiding officer during his absence, inability or refusal to act.

If the sanitation district includes unincorporated territory and all or part of one city and no sanitary district, or unincorporated territory and one sanitary district and no city, then the presiding officer and one other member of the board of supervisors are members of the board, unless the population included in the city or sanitary district is more than half of the population of the whole sanitation district, in which case the presiding officer of the board of supervisors and the presiding officer and one other member of the governing body of the city or two members of the governing body of the sanitary district, as the case may be, constitute the board of directors.

If the total number of cities and sanitary districts included in the sanitation district in whole or in part is two and if the sanitation district does not include any territory not in cities or sanitary districts, then the district board includes the presiding officer and one other member of the governing body of the city

or two members of the governing body of the sanitary district having the greatest population and the presiding officer of the governing body of the city or one member of the governing body of the sanitary district having the least population.

If the total number of cities and of sanitary districts wholly or in part within the sanitation district is two or more, and if, in addition, the district contains unincorporated territory, then the district board includes the presiding officer of the board of supervisors, the presiding officer of the governing board of each city, and a member of the governing board of each sanitary district.

If the district includes no territory which is in cities or sanitary districts, then the county board of supervisors is the board of directors of the district.

A city within a sanitation district, the sewered portion of which city lies entirely within a sanitary district, shall have no representation on the board.

"Sanitary district"

The term "sanitary district" as used in this section shall mean a sanitary district formed prior to the formation of the sanitation district in which it is included in whole or in part.

(Amended by Stats. 1939, Ch. 596, by Stats. 1947, Ch. 1428, by Stats. 1949, Ch. 882, and by Stats. 1951, Ch. 1076.)

Annexation

4731. If additional territory is annexed to the district as well as whenever any change takes place in the character of the territory, by the incorporation of a city or otherwise, resulting in a condition which makes it necessary for a change to be made in the membership of the district board, the change in the membership of the district board takes place and becomes effective immediately.

Membership of board

Auditor

4732. The county auditor of the county in which the district is formed is ex officio the auditor of the district.

Compensation

4733. The district board shall have power to fix the amount of compensation per meeting to be paid each member of the board for his services for each meeting attended by him; provided, that said compensation shall not exceed ten dollars (\$10) for each meeting of the district board attended by him, together with expenses necessarily incurred by him in traveling between his place of residence and the place of meeting. However, no member shall receive compensation for attending more than three meetings of the board during any calendar month. The compensation herein mentioned shall be in addition to any other fees or compensation allowed by law for the other official positions mentioned in Section 4730 that are occupied by members of said district board.

(Amended by Stats. 1947, Ch. 613.)

#### Article 4. District Powers

Actions

4738. A county sanitation district may sue and be sued by its own name.

(Added by Stats. 1951, Ch. 1000.)

4739. A county sanitation district may employ such sanitation experts, surveyors, counsel, and other persons as are needed to carry into effect any powers of the district. Employees

4740. The district may acquire by gift, purchase, condemnation, or otherwise, in the name of the district, and own, control, manage, and dispose of any interest in real or personal property necessary or convenient for the construction, maintenance, and operation of a sewerage system and sewage disposal or treatment plant, or a refuse collection and disposal system, or both. As used in this article "refuse" shall include all of the following: (a) animal, fruit and vegetable refuse; (b) offal; (c) leaves and cuttings, trimmings from trees, shrubs and grass; (d) inorganic refuse and rubbish; (e) garbage; (f) anything thrown away as worthless. Property

(Amended by Stats. 1949, Ch. 721.)

4741. It may acquire, construct and complete within or without the district, sewerage collection, treatment and disposal systems, including sewerage treatment plants, outfall, intercepting, collecting and lateral sewers, pipes, pumps, machinery, easements, rights of way, and other works, property or structures necessary or convenient for sewage collection, treatment and disposal. In addition it may construct, maintain, and operate a refuse collection and disposal system. No such sewage system or refuse collection and disposal system shall be constructed, maintained, or operated in any city not in the district except by consent granted by the unanimous vote of the governing body of the city. Powers

(Amended by Stats. 1949, Ch. 168 and Ch. 721.)

4742. It may join with any other district, city or other governmental agency in the construction, maintenance, or operation of a sewerage system or sewage disposal or treatment plant, or a refuse collection and disposal system, either within or without the district, or so join for any combination of these purposes, but no sewage disposal or treatment plant shall be constructed or maintained in any city not in the district, except by consent granted by the unanimous vote of the governing body of the city. Joint operation

(Amended by Stats. 1949, Ch. 721.)

4742.1. It may contract with any district, city, governmental agency or person for the handling, treatment or disposal by the district of sewage or industrial wastes originating within the district or county or within areas outside of the district or county when, in the judgment of the district board, it is for the best interest of the district to do so, upon such terms and conditions as may be agreed upon; provided, that the contract shall be for such term as agreed upon, but in no event for a term in excess of 50 years, or for such time as in the judgment of the district board the district shall have the capacity for handling, treatment or disposal of such sewage or industrial wastes. Contracts

(Added by Stats. 1951, Ch. 1000.)

4743. It may sell, lease, or otherwise dispose of any property of the district or any interest therein whenever it is no Disposal of property



longer required for the purposes of the district, or when its use may be permitted without interfering with its use by the district.

Sale of  
by-product

4744. It may sell, or otherwise dispose of, any water, sewage effluent, fertilizer, or other by-product resulting from the operation of a sewerage system, sewage disposal plant, refuse disposal plant or process, or treatment plant, and construct, maintain, and operate such pipe lines and other works as may be necessary for that purpose.

(Amended by Stats. 1949, Ch. 721.)

Disposal of  
water or  
effluent

4745. It may construct, maintain, and operate such pipe lines or other works as may be necessary to conserve and put to beneficial use any water or sewage effluent recovered from the operation of the sewerage system, plant, or works, by sale or disposition for agricultural or industrial purposes, or by discharging or spreading the water or sewage effluent in such a manner as to percolate into the underground gravels and replenish the natural water resources.

Bonds

4746. It may issue bonds.

Taxes

4747. It may cause to be levied and collected taxes upon all the taxable real property in the district sufficient to meet the obligations evidenced by its bonds, to maintain the works of the district, and to defray all other expenses incidental to the exercise of the district powers.

Survey by  
sanitation  
engineers

4748. The district board shall, by resolution, employ one or more sanitation engineers to make a survey of the problems of the district concerning sanitation and especially with reference to the matter of sewage collection, treatment, and disposal. The resolution shall direct the engineer or engineers to prepare and file with the district board of the district a report setting forth:

Report

(a) A general description of existing facilities for sewage collection, treatment, and disposal, or a general description of existing facilities for refuse collection, treatment and disposal, or both.

(b) A general description of the work proposed to be done to carry out the objects of the district.

(c) A general plan and general specifications of the work.

(d) A general description of the property proposed to be acquired or damaged in carrying out the work.

(e) A map showing the boundaries of the district and in general the location of the work proposed to be done, property taken or damaged, and any other information useful to an understanding of the proposed work.

(f) An estimate of the cost of the proposed work.

(Amended by Stats. 1949, Ch. 721.)

Appointment  
and removal

4749. The engineer or engineers may, subject to the direction of the district board, employ such surveyors and others as may be necessary to prepare the report. The district board at any time may remove any or all engineers or other persons employed, and may fill all vacancies.

Action upon  
engineers'  
report

4750. When the engineers' report is filed the district board shall examine it and may thereupon (a) reject it and direct

that a new report be prepared; (b) direct that changes be made in it; or (c) if it complies with the provisions of this chapter and is satisfactory to the board it shall fix a time and place for hearing objections to the report and to doing all or any part of the work referred to in the report.

4751. Notice of the hearing shall be given by the district board by publishing the notice for at least five times in a daily, or twice in a weekly, newspaper circulated in the district, as the district board may direct. At the time and place so fixed, or at the time and place to which the hearing may be from time to time continued, the board shall hear all objections.

4752. At the conclusion of the hearing the district board shall either order the report changed to conform to some or all the objections made or shall approve and adopt the report as made. If changes in the report are ordered a further hearing shall be had upon it as amended and further hearings shall be had until the district board approves and adopts the report.

4753. The district board may, thereafter, have such portions of the report as are adapted to publication, or a resume, published for free public distribution.

4754. The engineers employed by the district board to make the report required by this chapter, or other engineers, shall be directed by the district board to superintend the doing of the work recommended to be done in the report as approved and adopted.

4755. The work, or any portion of it, may be done in any of the following ways as ordered by the district board:

(a) By purchasing the material and doing the work by day labor.

(b) By purchasing the material and letting a contract for the doing of the work.

(c) By purchasing only a portion or none of the material and letting a contract for furnishing the balance or all of the material and the doing of the work.

4756. Any contract for the doing of the work or for the doing of the work and furnishing any or all of the material shall be let to the lowest responsible bidder submitting a sealed bid in response to a notice calling for bids.

4757. The notice shall be published once a week for at least two successive weeks in a newspaper circulated in the county and shall refer to detailed plans and specifications covering the work to be done and materials, if any, to be furnished. If the material to be purchased costs over one thousand dollars (\$1,000), and there is no purchasing agent, the material shall be purchased from the lowest responsible bidder.

4758. Any work recommended to be done in the report approved and adopted by the district board shall be done in conformity with the general plans and specifications contained in the report unless the district board, by a four-fifths vote, adopts a resolution declaring that the public interest

Notice

Hearing

Adoption  
of reportPublication  
of report

Supervision

Methods  
of work

Contracts

Bids

Notice

Modification  
in report

requires a modification of or departure from the plans and specifications, which resolution shall contain a statement of the manner in which the modification is required or departure is to be made.

**Right of way** 4759. A right of way in or across any public highway, street, or property in the district is hereby granted to the district wherever the right of way is found by the district board to be necessary or convenient for doing any of the work.

**Acquisition of system** 4760. The district board may, by agreement with any city or other public agency, take possession of, or acquire by condemnation or in any other manner any sewerage system, or any sewage or refuse disposal or treatment plant, or any combination of the foregoing necessary or convenient to carry out any of the objects of the district, or may acquire by agreement or in any manner the right to use them, and any city or other public agency may enter into such an agreement with a county sanitation district.

**Contracts for use** A compliance with this chapter is sufficient to authorize such an agreement by either a county sanitation district, city, or other public agency entering into such a contract with a county sanitation district.

**Bonds** Whenever any sewerage or refuse disposal system, or sewage or refuse disposal or treatment plant so taken possession of or otherwise acquired was built from the proceeds of a bond issue, the district shall assume and pay out of its funds the outstanding bonds according to their terms, and the principal sum remaining unpaid shall be credited to it and deducted from any sum to be paid by it to the city or public agency.

**Funds** Funds may be obtained by the county sanitation districts to pay the principal and interest on the assumed bonds in the manner as is provided for paying the principal and interest on its own bonds.

(Amended by Stats. 1949, Ch. 721.)

**Contracts for use of system, etc.** 4761. Any city or public agency in the district may enter into an agreement with the district for the use, or entire possession and operation, by the county sanitation district of any sewerage or refuse disposal system, or sewage or refuse disposal or treatment plant owned or operated by the city or public agency.

(Amended by Stats. 1949, Ch. 721.)

**Connection with system** 4762. Whenever any area in the district is provided with a sewerage system the governing body of the city in which the area lies may declare the further maintenance or use of cesspools or other local means of sewage disposal to be a public nuisance, and may require all buildings inhabited or used by human beings to be connected with the sewerage system. All connections of lateral or other sewer lines to the sewerage system of the district, whether within or without any city, shall be made at points and in the manner to be directed by the engineers of the district under instructions from the district board, subject to such terms and conditions as the district board may prescribe. The board of supervisors may prohibit the use of cesspools or other local



means of sewage disposal and declare the same to be a public nuisance in any area in the district which is outside of any incorporated city, and may require all buildings inhabited or used by human beings to be connected with the sewerage system.

(Amended by Stats. 1949, Ch. 168.)

4763. All powers of the district shall be exercised by the district board unless otherwise specified. Powers of board

(Added by Stats. 1939, Ch. 596.)

4764. It may borrow money and incur indebtedness and guarantee the performance of its legal or contractual obligations whether heretofore or hereafter incurred; and also refund or retire any public indebtedness or lien that may exist against the district or any property therein which shall have arisen out of the transaction of the affairs of the district. Incurring and discharging indebtedness

(Added by Stats. 1947, Ch. 1376.)

4765. Any district, directly or through a representative, may attend the Legislature and any committees thereof and present information to aid the passage of legislation which the district deems beneficial to the district or to prevent the passage of legislation which the governing board of the district deems detrimental to the district. The cost and expense incident thereto are proper charges against the district. The governing boards of districts may enter into associations and through a representative of the associations attend the Legislature, and any committees thereof, and present information to aid the passage of legislation which the association deems beneficial to the districts in the association, or to prevent the passage of legislation which the association deems detrimental to the districts in the association. The cost and expense incident thereto are proper charges against the districts comprising the association. Lobbying  
Costs, etc.

(Added by Stats. 1949, Ch. 1018. This section was incorrectly numbered 4675 in text of Ch. 1018. Amended and renumbered by Stats. 1951, Ch. 19.)

4766. The district board may adopt ordinances to carry out the provisions of Sections 5473 to 5473.11, inclusive, of the Health and Safety Code and this chapter; the procedure for the adoption of said ordinances shall be the same as is provided for in Article 7 of Chapter 1, Part 2, Division 2, Title 3 of the Government Code for counties. Adoption of ordinances  
Procedure

(Added by Stats. 1951, Ch. 295.)

#### Article 4.5. Application of Other Statutes

(Article 4.5 added by Stats. 1939, Ch. 1124)

4770. Except as to State highways where the State Highway Engineer refuses to issue a permit, with the consent of the legislative body having jurisdiction of the territory within which it is proposed so to do, expressed by resolution of such governing body, the board of any district organized subsequent to the effective date of this amendment may order the construction of sewers and appurtenances in the whole or Special assessment

any portion of any of the streets, highways, or public places of the district, or in property or in rights of way owned by the district, and acquire or construct trunk and collection lines and laterals, sewage disposal and treatment plants, and acquire rights of way, and easements therefor, and may provide that the cost shall be assessed upon the fronting lots and lands or upon a special district.

(Added by Stats. 1939, Ch. 1124.)

Applicable  
statutes

4771. The Improvement Act of 1911, the Street Opening Act of 1903, and the Improvement Bond Act of 1915 are applicable to districts.

(Added by Stats. 1939, Ch. 1124.)

Duties of  
officers

4772. In the application of those acts to proceedings under this article the terms used in those acts shall have the following meanings:

(a) "City council," and "council," mean board.

(b) "City," and "municipality," mean district.

(c) "Clerk," and "city clerk," mean secretary.

(d) "Superintendent of streets," "street superintendent," and "city engineer" mean the engineer of the district, or any other person appointed to perform such duties.

(e) "Tax collector," means county tax collector.

(f) "Treasurer," and "city treasurer," mean any person or official who has charge of and makes payment of the funds of the district.

(g) "Right of way," means any parcel of land through which a right of way has been granted to the district for the purpose of constructing and maintaining a sewer.

(Added by Stats. 1939, Ch. 1124.)

Exercise of  
powers

4773. The powers and duties conferred by those acts and supplementary acts upon boards, officers, and agents of cities shall be exercised by the respective boards, officers, and agents of the district.

(Added by Stats. 1939, Ch. 1124.)

Restriction  
on improve-  
ments

4774. The improvements authorized to be constructed or acquired under this article are restricted to those permitted to be constructed or acquired by such districts under Article 4 of this chapter.

(Added by Stats. 1941, Ch. 1072.)

Lien

4775. No assessment or bond hereafter levied or issued shall become a lien and no person shall be deemed to have notice thereof until a certified copy of said assessment and the diagram thereto attached shall be recorded in the office of the county surveyor if the improvement district or any part thereof is in unincorporated territory and with the superintendent of streets of the city or cities if the improvement district or any part thereof is in incorporated territory.

(Added by Stats. 1941, Ch. 1072.)

## Article 5. Bonds

4780. After the approval and adoption of an engineers' report the district board shall submit to the voters of the district the proposition of incurring a bonded indebtedness to obtain funds with which to acquire the property and do the work set forth in the report. For that purpose a special election shall be called by resolution.

Bond  
election

4781. The resolution shall state all of the following:

Resolution

(a) The general objects and purposes for which it is proposed to incur an indebtedness.

(b) A reference to the report filed with the district board for particulars.

(c) The amount of the bonds proposed to be issued.

(d) The number of years not to exceed which the whole of the bonds are to run.

(e) The rate of interest or a maximum rate of interest to be paid, which rate shall not be more than the rate specified in this chapter, payable at the time specified in this chapter.

(f) The date of the election.

(g) The election precincts, polling places, and election officers.

(Amended by Stats. 1949, Ch. 168.)

4782. For the purposes of the bond election the district board may consolidate into one precinct several precincts established for general election purposes and describe the precinct by reference to the general election precincts.

Precincts

4783. An election board consisting of one inspector, one judge, and one clerk shall be appointed by the district board for each precinct.

Election  
officers

4784. Only voters registered in the district are eligible to vote at the bond election.

Voters

4785. The resolution calling the election shall be published once a week for three successive weeks in a newspaper having a general circulation in the district and designated by the district board. No other notice of the election need be given.

Notice

4786. If two-thirds of the votes cast are in favor of incurring the bonded indebtedness as proposed, bonds of the district for the amount stated in the resolution calling the election shall be issued and sold.

Two-thirds  
vote

4787. The validity of the bonds after their issuance shall not be questioned in any court except upon the ground that the provisions of this chapter authorizing their issuance are unconstitutional, or that the required hearing regarding the formation of the district was not legally held or proper notice of it was not given.

Validity  
of bonds

(Amended by Stats. 1939, Ch. 596.)

4788. The district board shall prescribe by resolution the form of the bonds, and interest coupons. The bonds shall be payable at such times and at a place to be fixed by the board, and designated in the bonds, together with interest on all sums

Form of  
bonds

Payment



unpaid on that date until the whole of the indebtedness has been paid. The term of bonds issued shall not exceed forty years.

(Amended by Stats. 1949, Ch. 168.)

Denom-  
ination

4789. The bonds shall be issued in such denominations as the district board determines, except that no bonds shall be of a denomination less than one hundred dollars (\$100) or greater than one thousand dollars (\$1,000). They shall be payable on the day and at the place fixed in the bonds, and with interest at the rate specified in the bonds, which rate shall not be in excess of 6 per cent per annum, and shall, after the first year, be payable semiannually.

(Amended by Stats. 1939, Ch. 596.)

Signatures

4790. The bonds shall be signed by the chairman of the district board, and countersigned by the auditor of the district, and the seal of the district board shall be affixed. The interest coupons of the bonds shall be numbered consecutively and signed by the auditor of the district. All such signatures and countersignatures may be printed, lithographed, engraved, or otherwise mechanically reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed.

Coupons

(Amended by Stats. 1951, Ch. 433.)

Signatures

4791. If any officer whose signature or countersignature appears on the bonds ceases to be an officer before the delivery of the bonds to the purchaser, his signature or countersignature shall be as valid as if he had remained in office until the delivery of the bonds.

(Amended by Stats. 1939, Ch. 596.)

Sale of  
bonds

4792. The board may issue and sell the bonds of the district at not less than par value, and the proceeds shall be placed in the treasury of the county.

Proceeds

All premiums and accrued interest received shall be paid into the fund to be used for the payment of principal and interest on the bonds and the remainder of the proceeds of the sale shall be paid into the construction fund of the district, and proper records of the transactions shall be placed upon the books of the treasurer.

Construction  
fund

4793. The construction fund shall be applied exclusively to the purposes and objects mentioned in the resolution calling the bond election.

Payments from the construction fund shall be made upon demands allowed by the district board, and prepared, presented, and audited in the same manner as demands upon the funds of the county.

Surplus  
moneys

4793.1. When the purposes and objects mentioned in the resolution calling the bond election have been accomplished any moneys remaining in the construction fund shall be transferred to the fund to be used for the payment of principal and interest on the bonds.

(Added by Stats. 1951, Ch. 198.)

4794. If the proposition of issuing bonds submitted at a bond election fails to receive the requisite number of votes, the district board may, at the expiration of six months after that election, call or order another bond election, either for the same objects and purposes, or for any other object or purpose of the district. Resubmission of proposition

4795. If bonds have been issued by the district and the proceeds of the sale have been expended, and the district board by resolution passed by a vote of four-fifths of all its members determines that the public interest or necessity of the district demands the issuance of additional bonds for carrying out any of the objects of the district, the district board may again have a report made, and submit to the voters the question of issuing additional bonds in the same manner as for a first issue. All the provisions of this chapter for the issuance and sale of bonds, and for the expenditure of the proceeds apply to the issuance of additional bonds. Additional bonds

4796. Bonds and the interest thereon shall be paid by revenue derived from an annual tax upon the real property in the district, and all the real property in the district shall be and remain liable to be taxed for such payments. Said bonds and the interest thereon shall not be taxable in this State. Bond lien  
Tax exemption

(Amended by Stats. 1939, Ch. 596.)

4797. (Amended by Stats. 1939, Ch. 596; repealed by Stats. 1949, Ch. 168.)

4798. (Amended by Stats. 1939, Ch. 596; repealed by Stats. 1949, Ch. 168.)

4799. Nothing in this chapter shall affect the validity of, or the right to issue and sell, bonds voted prior to the date when this code goes into effect. Effect of chapter

(Added by Stats. 1939, Ch. 596.)

4801. (1) An issue of bonds is hereby defined to be the aggregate principal amount of all of the bonds authorized to be issued in accordance with a proposal submitted to and approved by the electors of the district, but no indebtedness will be deemed to have been contracted until bonds shall have been sold and delivered and then only to the extent of the principal amount of bonds so sold and delivered. Issue of bonds

(2) The board of directors of any district issuing any bonds heretofore or hereafter authorized may, in its discretion, divide the aggregate principal amount of such issue into two or more divisions or series and fix different dates for the bonds of each separate division or series. In the event any authorized issue is divided into two or more divisions or series, the bonds of each division or series may be made payable at such time or times as may be fixed by the legislative body of the district separate and distinct from the time or times the payment of bonds of any other division or series of the same issue. Division of principal

(Added by Stats. 1949, Ch. 168.)

Bonds  
payable  
subsequent  
to second  
installment  
of taxes

4802. Bonds may be made payable on a date subsequent to the time fixed for the collection of the second installment of general district taxes with which the first levy of taxes for the payment of the principal and interest of said bonds is to be collected. In such event, the first interest coupons shall be for interest from the date of said bonds of such issue or series or division to the maturity date of said coupons.

(Added by Stats. 1951, Ch. 1648. Effective July 23, 1951.)

Proceeding  
to determine  
right to  
issue and  
validity

4803. If the result of any election upon the question of the issuance of bonds is in favor of issuance, the board may, in its discretion, commence in the superior court of the county, a special proceeding to determine its right to issue the bonds and their validity, similar to the proceeding in relation to irrigation bonds, provided for by the "Irrigation District Law," and all supplementary acts, and all their provisions apply to and govern the proceedings to be commenced by the board, so far as applicable.

Judgment

The judgment has the same effect as a judgment in relation to irrigation bonds under the provisions of that act.

(Added by Stats. 1951, Ch. 1648. Effective July 23, 1951.)

## Article 6. Finance and Taxation

Statement  
of amount

4810. Annually, at least 15 days before the first day of the month in which the board of supervisors of the county in which the district is located is required by law to levy the amount of taxes required by law for county purposes, the district board shall furnish to the board of supervisors a written statement of the amount necessary to pay the interest on bonds for that year, and the portion of the principal that is to become due before the time for making the next general tax levy.

Levy of tax

4811. The board of supervisors of the county shall annually, at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable real property in the district, based upon the last equalized assessment roll of the county sufficient to pay the interest on the bonds for that year and such portion of the principal as is to become due before the time for making the next general tax levy.

Lack of  
statement

4812. If the district board fails to furnish to the board of supervisors the written statement of the amount necessary, the board of supervisors of the county shall ascertain the amount necessary to pay the interest on the bonds for that year and the portion of the principal that is to become due before the time for making the next general tax levy, and shall levy and cause to be collected the necessary amount.

Tax collec-  
tion. Funds

4813. The tax shall be collected at the same time and in the same manner as the general tax levy for county purposes, and when collected shall be paid into the treasury of the county to the credit of the district, and shall be used for the payment of the principal and interest upon the bonds, and for no other purpose.



4814. The principal and interest on the bonds shall be paid by the treasurer of the county in the manner now or hereafter provided by law for the payment of principal and interest on the bonds of the county. Payment of bonds

4815. In any year, at least 15 days before the first day of the month in which the board of supervisors of the county in which the district is located, is required by law to levy the amount of taxes required by law for county purposes, the district board may furnish to the board of supervisors a written statement of the amount necessary to maintain, operate, extend, or repair any work or improvements of the district, and to defray all other expenses incidental to the exercise of any of the district's powers, and the board of supervisors of the county shall at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable real property in the district, based upon the last equalized assessment roll of the county sufficient to pay the cost of maintaining, operating, extending, or repairing any work or improvements of the district and of defraying all other expenses incidental to the exercise of any of the district's powers. Statement of amount needed for expenses  
Levy of tax

4816. The tax shall be levied and collected at the same time and in the same manner as the general tax levy for county purposes, and the revenue derived from the tax shall be paid into the county treasury to the credit of the operating fund of the district, and the district board shall control and order its expenditure. Tax collection

(Amended by Stats. 1939, Ch. 596.)

4817. Payments from the operating fund shall be made upon demands allowed by the district board, and prepared, presented, and audited in the same manner as demands upon the funds of the county. Operating fund

4818. The cost of preparing the engineer's report, including the compensation paid engineers and other employees of the district, is a charge against the district and shall be paid from the first available funds of the district. Cost of engineer's report

## Article 7. Annexation

4830. Territory, whether incorporated or unincorporated, contiguous to a district, and not included in any other county sanitation district or other district formed for similar purposes, may be annexed, if the board of supervisors finds and determines that the additional territory will be benefited by annexation. Type of territory

(Amended by Stats. 1939, Ch. 596.)

4831. For the purpose of annexing territory to a district the board of supervisors shall proceed in the same manner as for the formation of a district in the first instance; except that wherever it is required to set forth the boundaries of the proposed district there shall instead be set forth the boundaries of the territory proposed to be annexed and wherever pro- Procedure

tests are called for or authorized or an election is to be held, the provisions relating thereto shall refer only to the territory proposed to be annexed.

The district board shall before such annexation is completed, by resolution, find and declare that the district will be benefited by the annexation of the territory and consent to its annexation.

(Amended by Stats. 1939, Ch. 596.)

Effect of  
annexation

4832. Whenever any territory is annexed to a district it thereupon becomes a part of the district and is subject to all the liabilities and entitled to all the benefits of the district.

### Article 8. Joint Operation

Joint  
operation by  
districts

4840. Whenever two or more sanitation districts find and declare by resolution adopted by their respective district boards that it is for the interest or advantage of the districts to do so, the districts by their respective district boards may enter into an agreement for the maintenance of a centralized and joint administrative organization to care for the general administration of the affairs of each of the districts, and the construction, supervision, operation, and maintenance of the work of each of the districts, and for that purpose the districts may agree to employ the same engineers, surveyors, counsel, and other persons needed to carry out the purposes of the districts.

Such agreement may also provide for participation by said sanitation districts in the State Employees' Retirement System of the State of California and for the payment of apportionments of costs and the collection, receipt and distribution of pension payments by one district designated for the purpose and acting on behalf of all districts participating in the agreement in the same manner as provided by Sections 4841 and 4842 of this code. When the agreement so provides, the designated district shall have all the powers and perform all the duties of a public agency for the purposes of the State Employees' Retirement Law, both in respect to the joint officers and employees of the participating districts and in respect to the officers and employees separately employed by the participating districts.

(Amended by Stats. 1945, Ch. 490.)

Agreement

4841. The agreement shall specify the proportionate amount to be paid by each district toward the costs and expenses of the organization and the salaries, wages, or other compensation of all persons employed jointly by the districts.

Expenses

4842. For the purpose of facilitating the payment of the joint costs, expenses, salaries, wages, or other compensation, the agreement may also provide for the payment by each district of its proportionate share of the costs, expenses, salaries, wages, or other compensation, into the funds of any one of the districts which may be designated for the purpose, and the designated district shall thereafter pay all the costs, expenses, salaries, wages, or other compensation incurred by,

or to be paid in connection with the maintenance of the joint organization.

4843. The district may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation, for the joint acquisition or construction or use of any sewer or sewers or other works or facilities for the handling, treatment or disposal of sewage or industrial waste from the district and such other area as may be designated in said contract, when in the judgment of the legislative body of said district it is for the best interests of the district so to do. Any such contract may provide for the construction and maintenance of such sewer or sewers, or such other works or facilities, and for the payment by or for the parties thereto of such proportionate part of the cost of the acquisition, construction or maintenance of such sewer or sewers or other works or facilities as may be stated in said contract, the payments to be made at such times and in such amounts as may be provided by said contract. Any such contract may provide for the joint use of any sewer or sewers, works or facilities for the handling, treatment or disposal of sewage or industrial waste upon such terms and conditions as may be agreed upon by the parties thereto, and for the flowage, treatment or disposal of sewage or industrial waste from such area for each of the parties thereto as may be described in the contract.

Contracts  
with gov-  
ernmental  
agencies

Any district which has acquired or constructed or which proposes to acquire or construct, any sewer or sewers, or works or other facilities for the handling, treatment or disposal of sewage or industrial waste, may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation for the use of any such sewer or sewers, works or facilities by any such county, city and county, municipal corporation, district or other public corporation, or for the flowage, treatment or disposal of sewage or industrial waste from any area designated by such person, firm or corporation so contracting, upon such terms and conditions as may be provided in said contract.

(Added by Stats. 1949, Ch. 168 and Ch. 843.)

#### Article 8a. Withdrawal of City

(Article 8a added by Stats. 1939, Ch. 270, purportedly to Chapter 4 of this part. Apparently the correct reference is Chapter 3.)

4845.05. A city may withdraw from a district when all of the following conditions exist:

Withdrawal  
of city from  
district

(a) The district has been in existence for more than 10 years;

(b) The district has no indebtedness evidenced by bonds or otherwise, exclusive of indebtedness or expense, if any, previously incurred under Sections 4815, 4816, 4817, 4748 or 4749;



and in event such indebtedness or expense is outstanding and owing on the date of the election herein authorized, the property within any territory withdrawing from the district shall nevertheless be liable for assessment and payment of the tax for its pro rata share thereof;

(c) An election has been held on the question whether a bonded indebtedness should be incurred by the district, which proposition has failed at an election to receive the number of votes required to authorize the issuance of bonds.

(Added by Stats. 1939, Ch. 270.)

**Election**

4845.06. The withdrawal shall be effected by the vote of a majority of the qualified electors of the city voting at an election on the proposition to withdraw.

(Added by Stats. 1939, Ch. 270.)

**Conduct of election**

4845.07. The election may be called and conducted by the district board upon its own motion, and shall be called and conducted upon presentation to it of a petition signed by not less than twenty-five per cent (25%) of the qualified electors residing in the city.

(Added by Stats. 1939, Ch. 270.)

**Petition**

4845.08. The election shall be called within thirty (30) days after such petition is presented and conducted in the same manner as other elections of the district, except that the resolution calling the election shall be published in a newspaper having a general circulation in the city.

(Added by Stats. 1939, Ch. 270.)

**Canvass**

4845.09. The district board shall canvass the returns of the election within 30 days after the election, and if a majority of the votes cast are in favor of the proposition to withdraw from the district, then it shall so find and declare, and thereupon the territory shall no longer be a part of the district.

(Added by Stats. 1939, Ch. 270.)

**Resolution of withdrawal**

4845.1. A certified copy of the resolution shall, within 15 days after its adoption, be filed with the clerk of the board of supervisors of the county in which the district is situated.

(Added by Stats. 1939, Ch. 270.)

**Vacancies on board**

4845.11. If the withdrawal of the city results in less than three members remaining on the district board, the vacancy shall be filled in accordance with the provisions of this chapter for changes in the membership of the district board.

(Added by Stats. 1939, Ch. 270.)

**Property**

4845.12. In event of the withdrawal of a city, the disposition of the property of the district lying within the city, and of the debts and funds of the district, shall be as provided in the article of this chapter on dissolution.

(Added by Stats. 1939, Ch. 270.)

**Election to join new district**

4845.13. The territory within the city so withdrawing from the district shall not thereafter become a part of the same or any other county sanitation district unless the question of annexation or inclusion within the district is approved by a majority of the qualified electors of the city, voting at an election on the proposition of annexation or inclusion.

(Added by Stats. 1939, Ch. 270.)

### Article 8b. Withdrawal of Unincorporated Territory

(Article 8b added by Stats. 1939, Ch. 270, purportedly to Chapter 4 of this part. Apparently the correct reference is to Chapter 3.)

4845.20. All or any portion of the unincorporated territory within a district, or all or any portion of territory within a district which territory was, subsequent to the formation of the district, annexed to a city, may be withdrawn from the district when all of the following conditions exist:

Withdrawal  
of unincor-  
porated  
territory  
from district

(a) The district has been in existence for at least one year;

(b) In the event the district has indebtedness evidenced by bonds and the indebtedness is outstanding and owing either on the date of the election or upon receipt of the verified petition by the board of supervisors, the property within any territory withdrawing from the district shall nevertheless be liable for assessment and payment of the tax for its pro rata share thereof.

Provided, however, that no portion of a city shall be withdrawn from a sanitation district under the provisions of this article if such city is in its entirety within one or more sanitation districts.

(Added by Stats. 1939, Ch. 270; amended by Stats. 1949, Ch. 718.)

4845.21. The withdrawal may either be effected by the vote of majority of the qualified electors of the territory seeking to withdraw voting at an election on the proposition to withdraw, in which case the election procedure as hereafter provided in Sections 4845.22 to and including Section 4845.28 shall be followed, or by verified petition presented to the board of supervisors in the manner as hereafter provided in Sections 4845.31 to and including Section 4845.34.

Election

(Added by Stats. 1939, Ch. 270; amended by Stats. 1949, Ch. 718.)

4845.22. The election shall be called and conducted by the board of directors of the district whenever a petition signed by twenty-five per cent (25%) of the qualified electors residing in the territory seeking to withdraw, is presented to the board. The petition shall describe the exterior boundaries of the unincorporated territory seeking to withdraw, and request that an election shall be called and conducted on the proposition to withdraw.

Petition

(Added by Stats. 1939, Ch. 270.)

4845.23. The election then shall be called and conducted in the same manner as other elections of the district except that the resolution calling the election shall be published in a newspaper having a general circulation within the territory seeking to withdraw.

Conduct of  
election

(Added by Stats. 1939, Ch. 270.)

4845.24. The board of directors shall canvass the returns of the election within 30 days after the election, and if a majority of the votes cast are in favor of the proposition to withdraw from the district, then the board shall so find and

Canvass

declare, and thereupon the territory no longer shall be a part of the district.

(Added by Stats. 1939, Ch. 270.)

Resolution of  
withdrawal

4845.25. A certified copy of the resolution shall be filed with the clerk of the board of supervisors of the county in which the district is situated, within 15 days after the resolution is adopted.

(Added by Stats. 1939, Ch. 270.)

4845.26. (Added by Stats. 1939, Ch. 270; repealed by Stats. 1949, Ch. 718.)

4845.27. (Added by Stats. 1939, Ch. 270; repealed by Stats. 1949, Ch. 718.)

Election to  
join new  
district

4845.28. The unincorporated territory shall not thereafter become a part of the same or any other county sanitation district unless the question of annexation or inclusion within a district is approved by a majority of the qualified electors of the territory so withdrawing, voting at an election on the proposition of annexation or inclusion; except that as to any part or portion of such territory which has heretofore been withdrawn and which is contiguous to an existing district and uninhabited, such part or portion may be annexed to the district pursuant to Article 7 of this chapter, without the necessity of holding an election, upon the filing of a petition with the district board signed by the owner or owners of such part or portion.

"Uninhabited"

As used in this section, "uninhabited" means having less than three electors at the time of the last general election next preceding the filing of the petition for annexation.

(Added by Stats. 1939, Ch. 270; amended by Stats. 1951, Ch. 1000.)

Petition

4845.31. A verified petition signed by the owners of real property in the portion to be excluded, said owners owning more than fifty percent (50%) in value of the assessed real property, shall be presented to the board of supervisors of the county within which the district is located. Said petition shall

Contents

contain the following:

(a) A legal description of the area to be withdrawn together with a map thereof;

(b) The amount of indebtedness of a district presently outstanding, if any;

(c) Factual data establishing that the exclusion will not interfere with the operation of the sewage system in the balance of the district;

(d) A statement by the county assessor of said county that the petition appears to be signed by the owners of more than 50 percent of value of the assessed real property of the area described in the petition as appears from the current assessment roll of the county or city within which the area to be withdrawn is situated.

(Added by Stats. 1949, Ch. 718.)

Hearing

4845.32. Upon receipt of such petition, the board of supervisors shall set the same for hearing on a day not less than



twenty days nor more than thirty-five days thereafter. The clerk of the board of supervisors shall cause a notice of the hearing, which shall contain a description of the property to be excluded, to be published once prior to the date fixed for such hearing, in a newspaper of general circulation circulated within the district and within the area proposed to be withdrawn which the board deems most likely to give notice to the inhabitants thereof.

(Added by Stats. 1949, Ch. 718.)

4845.33. The board of directors of the county sanitation district in which the area proposed to be excluded is situated shall report in writing to the board of supervisors at the time set for the public hearing as to the extent of the district, indebtedness, present obligations, and the effect of such exclusion upon the operation of its sewage system.

(Added by Stats. 1949, Ch. 718.)

4845.34. At the time designated, the board of supervisors shall hear the petition and any person interested and may adjourn the hearing from time to time not to exceed sixty days. The board of supervisors, if it finds that the portion of the district sought to be withdrawn will not be benefited by remaining in the district, and that the territory not sought to be withdrawn will be benefited by continuing as a district, may upon the conclusion of final hearing upon said petition, grant such withdrawal, describing the area withdrawn, from the district; and subject to Sections 54900 to 54903, inclusive, of the Government Code said portion thereafter is no longer a portion of the district for any purpose, except that in the event district indebtedness or district expense is outstanding and owing on the date of the order granting said exclusion, the property within any territory so excluded from the district shall nevertheless remain liable for assessment and payment of the tax for its pro rata share thereof until the extinguishment of said indebtedness or expense.

(Added by Stats. 1949, Ch. 718.)

## Article 9. Dissolution

4850. A district having no bonded indebtedness may be dissolved upon the vote of a majority of its voters upon an election called by the district board upon that question. Before dissolution all legal indebtedness of the district shall first be paid and discharged.

4851. The election on the question of dissolution shall be called and conducted in the same manner as other elections of the district, and the district board shall canvass the returns of the election within 30 days after the election.

4852. If a majority of the votes cast are in favor of dissolution of the district, the district board shall by resolution so find, and declare the district dissolved, and thereupon the district is dissolved.

4853. A certified copy of the resolution shall, within 15 days after its adoption, be filed with the clerk of the board of supervisors of the county in which the district is situated.

- Property** 4854. Upon the dissolution of any district the property of the district lying within the corporate limits of any city vests absolutely in the city, and the property of the district lying without the corporate limits of any incorporated city vests absolutely in the county in which the district is situated.
- Remaining indebtedness** 4855. If after the dissolution of the district it is found that through oversight or error there remains a legal indebtedness of the district, the board of supervisors of the county shall levy a tax upon the taxable real property within the boundaries of the district as it existed at the time of dissolution, sufficient to meet the indebtedness and interest thereon, if any, and pay it.
- Funds** 4856. Any funds belonging to the district at the time of dissolution shall be transferred to the cities and the county, as the case may be, in proportion to the assessed valuation of the taxable real property in the cities and county respectively, as it appears on the last equalized assessment roll of the county prior to the dissolution.

### Article 10. Reorganization

(Article 10 added by Stats. 1951, Ch. 819)

- Reorganization election** 4857. Whenever (a) 25 percent or more of the residents and taxpayers residing within a district so petition the board of supervisors; or (b) the board of supervisors, by resolution, determines it to be in the best interests of the district, the board of supervisors may call an election to determine whether or not the district should be reorganized as a sanitary district under Part 1, Division 6 of this code. The proposed name of the reorganized district shall be designated in the petition or resolution.
- (Added by Stats. 1951, Ch. 819.)
- Applicable provisions** 4858. The election shall be held as provided in Sections 6460 to 6466, inclusive, of this code.
- (Added by Stats. 1951, Ch. 819.)
- Result** 4859. If the majority of the votes cast at the election are in favor of the proposed reorganization, the board of supervisors, by order entered in its minutes, shall declare the district reorganized as a sanitary district. Upon the adoption of the order, the district shall be deemed to be a sanitary district with all of the rights, powers, duties, and obligations of a sanitary district.
- Assessments, etc.** Said sanitary district shall cause assessments to be made and taxes to be levied to retire any and all outstanding bonded indebtedness so that the same shall be retired in the same manner and to the same extent as though said district had continued as a county sanitation district.
- (Added by Stats. 1951, Ch. 819.)

## CHAPTER 4. SEWER MAINTENANCE DISTRICTS

## Article 1. General Provisions and Definitions

4860. This chapter shall be known and may be cited as the Title  
Sewer Maintenance District Act.

4861. "District," as used in this chapter, means a sewer "District"  
maintenance district formed pursuant to this chapter or pur-  
suant to any law which it supersedes.

4862. "Board," as used in this chapter, means the board of "Board"  
supervisors of the county in which a district is formed, or in  
which it is proposed to form a district.

4863. "Clerk," as used in this chapter, means the clerk "Clerk"  
of the board of supervisors.

4864. This chapter does not repeal any law providing for Other  
the organization of sanitary districts or county sanitation dis- statutes  
tricts nor authorize the governing body of a sewer mainte-  
nance district to manage, control, or otherwise interfere with  
the maintenance or repair of any sewers under the control of  
a sanitary district or county sanitation district.

4865. "Maintenance of sewers" as used in this chapter "Mainte-  
includes the extension and enlargement of sewers, within a nance of  
district. sewers"

(Added by Stats. 1943, Ch. 765.)

4866. "Sewers" as used in this chapter includes lateral and "Sewers"  
collecting sewers, septic tanks and all other means of handling,  
gathering and disposing of sewage in the district.

(Added by Stats. 1943, Ch. 765.)

## Article 2. Formation

4870. Any portion of the unincorporated territory of a Territory  
county in which lateral or collecting sanitary sewers have been  
installed, for the maintenance and repair of which provision  
is not otherwise made, may be formed into a district.

4871. The board of supervisors of any county may deter- Resolution of  
mine by resolution that any portion of the unincorporated area intention  
of the county not already included in a district is in need of  
sewer maintenance and should be formed into a district.

4872. The board shall fix a time and place to hear the Time and  
proposal to form a district. place of

4873. The board shall direct the clerk to give notice of the Notice  
hearing. The notice shall have the heading "Notice of the  
proposed formation of ----- Sewer Maintenance District,"  
stating the name of the proposed district. It shall:

(a) State the time and place for the hearing.

(b) Set forth the exterior boundaries of the territory pro-  
posed to be organized into a district.

4874. The board shall direct the clerk to publish the notice Publication  
once a week for two successive weeks in the newspaper of  
general circulation circulated in the territory which it is pro-  
posed to organize into a district that the board deems most  
likely to give notice to the inhabitants of the proposed district.



- Posting** 4875. The board shall also direct the clerk to post the notice in three public places in the proposed district at least 10 days prior to the date set for the hearing. The heading of each posted notice shall be in letters of not less than one inch in height.
- Protests** 4876. At any time prior to the time fixed for the hearing any interested person may file with the clerk written objections to the formation of the proposed district.
- Hearing** 4877. At the time and place fixed for the hearing or at any time to which the hearing is continued, the board shall consider and pass on all written objections filed.
- Change in proposed boundaries**  
**Formation** 4878. If the board overrules the objections to the formation it shall hear any person objecting to the inclusion in the proposed district of any particular territory and may, upon the hearing, exclude any territory that would not be benefited by inclusion. At the conclusion of the hearing the board may by resolution abandon the proposed formation of the district, or it may form the district and fix its boundaries either as set forth in the notice or as modified upon the hearing. The boundaries shall not be changed to include any territory outside the boundaries described in the notice.

Article 2.3. Inclusion in County Sanitation District  
(Article 2.3 added by Stats. 1947, Ch. 1367.)

- Inclusion in county sanitation district** 4879. Any district organized under the provisions of this act may become a part of a county sanitation district after the board of supervisors of the county within which the district is located, has, after a hearing, pursuant to the County Sanitation District Act, found and determined by resolution duly adopted that such inclusion is for the best interest of the district and the governing body of the district consents thereto by resolution adopted by the affirmative vote of four-fifths of its members.

(Added by Stats. 1947, Ch. 1367.)

- Inclusion not dissolution** 4880. A district which becomes a part of the county sanitation district as hereinabove provided for is not thereby dissolved, but may continue to function, except as otherwise provided in Part 1 of Division 6 of this code, in the same manner as heretofore.

(Added by Stats. 1947, Ch. 1367.)

Article 3. Officers and Powers

- Board** 4885. The board is the governing body of the district and may make and enforce all rules and regulations necessary for the administration and government of the district and for the cleaning, repair, reconstruction, renewal, replacement, operation, and maintenance of lateral and collecting sewers in it.
- Property** 4886. The board may acquire by gift, condemnation, purchase, or otherwise in the name of the county, and own, control, manage, and dispose of, personal property necessary or convenient for the purposes of this chapter, and may perform all of the acts necessary or proper to accomplish such purposes.

4887. The board may appoint the county surveyor to supervise the work of cleaning, repairing, reconstructing, renewing, replacing, operating, and maintaining the sewers and their appurtenances and may enter into contracts for the purchase of water to be used in flushing the sewers and for the disposal of sewage collected in the district. Powers

4888. The district may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation, for the joint acquisition or construction or use of any sewer or sewers or other works or facilities for the handling, treatment or disposal of sewage or industrial waste from the district and such other area as may be designated in said contract, when in the judgment of the legislative body of said district it is for the best interests of the district so to do. Any such contract may provide for the construction and maintenance of such sewer or sewers, or such other works or facilities, and for the payment by or for the parties thereto of such proportionate part of the cost of the acquisition, construction or maintenance of such sewer or sewers or other works or facilities as may be stated in said contract, the payments to be made at such times and in such amounts as may be provided by said contract. Any such contract may provide for the joint use of any sewer or sewers, works or facilities for the handling, treatment or disposal of sewage or industrial waste upon such terms and conditions as may be agreed upon by the parties thereto, and for the flowage, treatment or disposal of sewage or industrial waste from such area for each of the parties thereto as may be described in the contract. Contracts with governmental agencies re joint facilities

Any district which has acquired or constructed or which proposes to acquire or construct, any sewer or sewers, or works or other facilities for the handling, treatment or disposal of sewage or industrial waste, may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation for the use of any such sewer or sewers, works or facilities by any such county, city and county, municipal corporation, district or other public corporation, or for the flowage, treatment or disposal of sewage or industrial waste from any area designated by such person, firm or corporation so contracting, upon such terms and conditions as may be provided in said contract.

(Added by Stats. 1949, Ch. 843.)

#### Article 4. Finances and Taxation

4890. The clerk shall file in the office of the county assessor a certified copy of each resolution of the board that affects a district in any of the following ways: Filing of copies of resolutions

(a) Establishes it.

- (b) Annexes territory to it.
- (c) Withdraws territory from it.
- (d) Dissolves it.

The county assessor shall thereafter in making up the assessment roll segregate on it the property included in the district.  
(Amended by Stats. 1949, Ch. 699.)

**Tax** 4891. The board may levy a tax each year upon the real property in the district sufficient to defray the cost of maintaining, operating, and repairing the sewers in the district, of maintaining the district, and of meeting such other expenditures as are authorized by this chapter.

(Amended by Stats. 1943, Ch. 197.)

**Levy and collection** 4892. The tax shall be levied and collected at the same time and in the same manner as general county taxes levied for county purposes and when collected shall be paid into the county treasury to the credit of the maintenance fund of the district and shall be used only in furtherance of the purposes of this chapter.

**Transfer of county funds** 4893. If a district is organized in any year too late for the levy of a tax in that year or in the next ensuing year, the board is hereby authorized to transfer funds of the county not immediately needed for county purposes to the maintenance fund of the district to be used for the payment of the expenses of such district until such time as special assessment tax receipts are available therefor. The board shall include in the levy of taxes for the district for the first fiscal year in which a tax may be levied, a sum sufficient to repay to the county the amounts so transferred to the district for the portion or portions of the preceding fiscal year or years for which no levy of taxes was made for that purpose and the amounts so transferred shall be retransferred to the county treasury from the maintenance fund of the district out of the first available receipts from the tax levy.

(Added by Stats. 1947, Ch. 599.)

## Article 5. Annexation

**Territory** 4895. Outlying territory may be annexed to a district as provided in this article.

(Amended by Stats. 1939, Ch. 596.)

**Resolution setting hearing** 4896. The board may by resolution fix a time and place for a hearing upon the question of the annexation of territory to a district. The resolution shall describe the boundaries of the territory proposed to be annexed.

**Time** 4897. The date set for the hearing on the proposed annexation shall be at least three weeks after the date of the adoption of the resolution setting the hearing.

**Posting** 4898. The board shall cause notices of the hearing to be posted in at least three conspicuous places in the territory proposed to be annexed and in at least three conspicuous places in the district. However, if the territory proposed to be annexed is in more than one existing district the notices shall be posted



in at least three conspicuous places in each district in which is situated any of the territory proposed to be annexed.

4899. The notices shall be headed "notice of hearing" in letters not less than one inch in height and shall contain a description of the territory proposed to be annexed and a statement of the time and place of the hearing. In lieu of the description the boundaries of territory proposed to be annexed may be shown by means of a diagram printed upon the notice. The notices shall be posted not less than 10 days prior to the date set for the hearing. In addition to the notices the board shall direct its clerk to publish a notice once a week for two successive weeks in the newspaper of general circulation circulated in the district and another in the territory proposed to be annexed that the board deems most likely to give notice of the hearing to the inhabitants of each.

Contents of  
notices

Posting  
Publication

4900. At the time fixed for the hearing or at any time to which it is continued the board shall hear and pass upon the proposal and any objections that may be filed to the inclusion of any property in the proposed annexation.

Hearing

The board may, by order entered upon its minutes, determine that the territory proposed to be annexed or any part will be benefited by annexation and may order that the boundaries of the district be altered to include that territory.

Order of  
annexation

4901. If the territory annexed to the district comprises a portion of another district, upon the annexation becoming complete the territory shall thereupon be withdrawn from the district of which it theretofore formed a part.

Annexation  
of territory  
in another  
district

4902. If the territory annexed to the district comprises all of another district, the theretofore existing district is thereupon dissolved. The funds of the dissolved district shall be transferred to the district to which all its territory has been annexed and all contracts or obligations of the dissolved district become the obligations of the district to which the territory has been annexed.

Dissolution  
of district  
where all  
of territory  
annexed

4903. The exclusion of territory from one district and its annexation to another district shall not be effective until all outstanding contracts of the district from which it is excluded have expired or the contracts, with the consent of the parties, have been modified or canceled so as to relieve the district of further obligation to pay for future maintenance in the territory excluded, and until the funds remaining on hand upon the completion of the exclusion and annexation have been apportioned between the district to which the territory was annexed and the district from which it was excluded.

Contracts

Expenses

The division of the funds shall be prorated in the proportion that the assessed value of the real property of the territory so excluded bore to the total assessed value of the real property in the district immediately prior to the exclusion.

Funds

## Article 6. Exclusion

- Exclusion**      **4905.** Any portion of a district that will not be benefited by remaining in the district may be excluded as provided in this article.
- Petition**      **4906.** A petition to exclude territory shall be signed by 50 or more freeholders in the portion proposed to be excluded from the district, or by a majority of the freeholders, if there are less than 100 freeholders in the portion proposed to be excluded. The petition shall request the exclusion of that territory from the district on the ground that it will not be benefited by remaining in the district.
- Time and place of hearing**      **4907.** Upon receiving a petition to exclude territory the board shall fix a time for hearing it and for hearing protests to the continuance of the remaining territory as a district. The time of hearing shall not be less than 15 nor more than 30 days after the receipt of the petition.
- Notice**      **4908.** At least 10 days prior to the time fixed, the board shall publish a notice of the hearing by one insertion in the newspaper circulated in the district that the board deems most likely to give notice to the district's inhabitants of the proposed exclusion.
- Hearing**      **4909.** Any person interested may appear at the hearing and object to the exclusion of the territory from the district, or may object to the continuance of the remaining territory as a district, and the board shall consider all objections and shall pass upon them.
- Determination**      **4910.** If the board finds that the territory proposed to be excluded will not be benefited by remaining in the district, and that the territory not proposed to be excluded will be benefited by continuing as a district, it shall grant the petition, and by resolution declare the district reestablished excluding therefrom the territory found not benefited by remaining in the district.  
(Amended by Stats. 1949, Ch. 699.)
- Property**      **4911.** Upon the exclusion of any territory from a district all property acquired for the district shall remain vested in the county and be used for the purposes of the district.

## Article 7. Dissolution

- Dissolution**      **4915.** A district may be dissolved by the board as provided in this chapter.
- Petition**      **4916.** A petition for dissolution shall be signed by 50 or more freeholders and residents of the district, or by a majority of the freeholders and residents if there are less than 100 freeholders and residents in the district, and shall request the dissolution of the district.
- Time and place of hearing**      **4917.** Upon receiving a petition for dissolution the board shall fix a time for the hearing of the petition, which shall not be less than 15 nor more than 30 days after its receipt.

4918. At least 10 days prior to the time fixed, the board shall publish a notice of the hearing by one insertion in a newspaper circulated in the district. Notice

4919. At the time appointed for the hearing or at any time to which it is continued, the board shall hear and pass upon the petition and may grant or deny it, and its decision is final. Hearing

4920. If the petition is granted, the board shall by resolution order the dissolution of the district and the district is thereupon dissolved. The property of the district remains the property of the county in which the district is located. Resolution  
Property

4921. Upon the inclusion of all the territory of a district in one or more cities, either by reason of annexation or by reason of the incorporation of one or more cities, all funds paid into the county treasury to the credit of the district shall be paid over by the board as provided in this article. Inclusion  
of territory  
in cities

4922. If all of the district is included in one city, the fund shall be paid to the treasurer of the city and administered by the governing body of the city. Inclusion  
in one city

4923. If a part only of the district is so included in one city and the remaining part of the district is included in one or more other cities then such proportionate part of the funds shall be paid to the treasurer of each city as the assessed valuation of the real property of the portion of the district included in each city bore, before being so included, to the total assessed valuation of the real property of the district. Apportion-  
ment of  
funds

4924. The funds paid over by the district to a city shall be administered by its governing body for the benefit of such portions of the district as are included in the city, and for the purpose of operating and maintaining the sewers in it formerly maintained by the district. Use of funds

4925. When all territory in a district has been included in a city the district is thereupon, by reason of the inclusion, dissolved. Dissolution  
by inclusion  
of all terri-  
tory in city

4926. If less than the whole of a district is included in a city either by reason of annexation or by reason of incorporation proceedings, the district continues in existence and continues to function except that the portion of the district included in the city is excluded from the district. But the inclusion of territory of a district in a city does not operate as a withdrawal of the territory from the district unless and until all outstanding contracts of the district have expired or the contracts, with the consent of the parties, have been modified or canceled so as to relieve the district of further obligation to pay for future maintenance in the territory so included. Inclusion  
of part of  
territory  
in city  
  
Indebtedness



## CHAPTER 5. SEWER REVENUE BONDS

## Article 1. General Provisions and Definitions

- "Works"** 4950. "Works," as used in this chapter, includes sewage treatment plants, intercepting and collecting sewers, outfall sewers, force mains, pumping stations, ejector stations, and all other appurtenances necessary, useful, or convenient, for the collection, treatment, purification, or disposal of sewage, and necessary lands, rights of way, or other property.
- "District"** 4951. "District," as used in this chapter, includes city, county, city and county, or any municipal or public corporation or district which is authorized to acquire, construct, own, or operate a sewer system.  
(Amended by Stats. 1943, Ch. 765 and by Stats. 1951, Ch. 500.)
- "Governing body"** 4952. "Governing body," as used in this chapter, means the governing body of the district.
- "Clerk"** 4953. "Clerk," as used in this chapter, means the clerk or secretary of the governing body or of the district.
- "Area"** 4954. "Area," as used in this chapter, means the area served, or proposed to be served, by the works, or proposed works.
- "Rates"** 4955. "Rates," as used in this chapter, includes rates and charges.
- "Bonds"** 4956. "Bonds," as used in this chapter, means revenue bonds authorized by this chapter.
- "Treasurer"** 4957. "Treasurer," as used in this chapter, means the treasurer of the district.
- "Owners of improved real property"** 4958. "Owners of improved real property," as used in this chapter, means persons who are recorded on the books of the assessor and tax collector as the owners of lots or parcels of land in the area that are improved by buildings that would be subject to service of works under the provisions of this chapter, on completion of the project.
- Referendum provisions** 4959. The provisions of this chapter regarding a referendum shall be liberally construed to effect the objects of this chapter, and no irregularity or informality shall invalidate the election when it appears that the provisions of law have been substantially complied with.
- Additional and alternative method** 4960. This chapter is an additional and alternative method to those already provided for the acquisition, construction, extension, and operation of the works referred to in this chapter.

## Article 2. Resolution

- Resolution of intention** 4965. Before a district acquires or constructs any works under this chapter, its governing body shall adopt a resolution declaring its intention to do so.
- Contents of resolution** 4966. The resolution of intention shall contain all of the following:  
(a) A brief and general description of the works. If they are to be constructed, a reference to the plans and specifica-

tions that have been prepared and filed by the engineer chosen by the governing body.

(b) The estimated cost of the works to be acquired or constructed, and the amount of bonds to be issued and sold.

(c) A general description of the area to be served by the proposed works, referring to a plat of the area, which shall govern for all details.

(d) An estimate of the number and character of the places and properties to be served by the works, including those ready for immediate service and those in expectancy.

(e) An estimate of the immediate revenue that would be received from the operation of the works, and of future revenues in expectancy.

(f) A statement that revenue bonds of the district will be issued to cover the cost of the works.

(g) A notice of the time and place when persons interested may appear before the governing body and be heard as to any protests or objections they may have against the acquisition or construction of the proposed works and the issuance and sale of bonds.

(Amended by Stats. 1939, Ch. 1124.)

### Article 3. Notice, Hearing, and Election

4970. The time set for the hearing shall be not less than 20 nor more than 40 days after the adoption of the resolution. Time of hearing

4971. The governing body shall cause the resolution to be published twice in one or more newspapers published and circulated in the district. If no newspaper is published in the district, then the publication shall be made in a newspaper published in the county in which the district is located. Publication of resolution

4972. A copy of the resolution headed "Notice of Sewer Work," in letters not less than one inch in height, shall be posted in the district along the entire length of that street in the district which, in the opinion of the governing body, is traversed by the largest number of people. The notices shall be posted not less than 300 feet in distance apart, and not less than three notices shall be posted in any case. Posting

4973. Both the posting and the publication shall be completed at least 10 days before the time set for the hearing. Affidavits of publication and of posting shall be filed with the clerk. Completion of posting and publication

4974. At the time set for the hearing, the governing body shall hear all persons or their representatives having any objections to the acquisition or construction of the works as proposed, also any suggestions that may be offered in the way of an amendment or modification of the proposition. The governing body may continue the hearing from time to time, and modify the boundaries of the area by eliminating territory, but no new territory shall be added. Hearing

Petition  
requesting  
election

4975. If, before the conclusion of the hearing, a petition signed by not less than 15 per cent of the owners in the specified area is filed with the governing body requesting that body to submit the proposition of acquiring or constructing the proposed works to an election of property owners in the area, the governing body shall forthwith call an election in the area for that purpose. The election shall be restricted to the owners of improved real property in the area.

Conduct of  
election

4976. If called, the election shall be held and conducted, the votes received and canvassed, and the returns made, determined, and declared, so far as practicable, in accordance with the laws governing the enactment or rejection of city ordinances by means of the initiative or referendum, except that no person is entitled to vote at the election except one owning improved real property in the area.

Votes

4977. If the question goes to an election each owner of improved real property shall have but one vote regardless of the number of lots or parcels of land owned by him. Where property stands in the name of two or more persons each of them shall have a vote. The vote of corporations shall be cast by its president or secretary, properly authorized in writing.

Protest by  
majority

4978. If written protests or objections are filed with the governing body, signed by more than one-half of the owners of improved real property in the area, as the owners are shown on the records of the assessor and the tax collector of the district, no further proceedings shall be taken in the matter for six months, and not then without the passage of a new resolution of intention.

Jurisdiction  
to proceed

4979. If protest is not filed by a majority of the owners of improved real property in the area, or if the proposal is not rejected at a referendum election, the governing body acquires jurisdiction to proceed.

(Amended by Stats. 1939, Ch. 1124.)

#### Article 4. Bonds

Purpose of  
bonds

4985. The cost of the acquisition or construction of the works for which bonds may be issued includes all of the following:

(a) The cost of all property, rights, easements, and franchises deemed necessary or convenient therefor.

(b) Engineering, clerical, and legal expense.

(c) All other expenses connected with or incident to the works in the operation and performance of the acts required by this chapter to be done.

Serial bonds

4986. Bonds issued and sold under this chapter shall be revenue bonds of the character and form known as "serials." Each bond shall be entitled "sewer revenue bond," and shall be paid and discharged within 40 years from its date.

(Amended by Stats. 1939, Ch. 1124.)

Denomi-  
nations

4987. Each bond, except those of the last installment, or one of each annual installment, shall be in multiples of one



hundred dollars (\$100), in such amount as the governing body determines, but no bond shall be of greater denomination than one thousand dollars (\$1,000).

4988. The bonds shall bear interest, as the governing body shall determine, at a rate not to exceed 6 percent per annum, and shall, after the first principal maturity, be payable semi-annually by coupon. Interest

(Amended by Stats. 1939, Ch. 1124, and by Stats. 1951, Ch. 1648. Effective July 23, 1951.)

4989. The governing body shall prescribe the form of the bonds, and provide that of the indebtedness represented thereby a part shall be payable each year after their date, at a time and place to be designated in the bonds, together with interest, until the whole of the indebtedness has been paid. Form of bonds

The maturity date of the first bond or series of bonds may be deferred for a period not exceeding five years from the date of the bonds. Maturity

4990. The number of bonds to be paid each year need not be the same, and the governing body may fix maturities so that the number of bonds retired each year will, in the discretion of the governing body, be most equitable and just; however, all bonds shall be completely paid within 40 years from date of issue. Retirement of bonds

4991. If the district is a city, the bonds shall be signed by the mayor if there is one; otherwise by the president or chairman of the governing body, and countersigned by the clerk. The seal of the district shall be affixed to the bond. The coupons shall be signed by the treasurer by his engraved or lithographed signature. Signatures

If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before the delivery of the bonds to the purchaser, his signature or countersignature is nevertheless as valid and sufficient for all purposes as if he had remained in office.

4992. (Repealed by Stats. 1939, Ch. 1124.)

4993. If the proceeds of the bonds for any reason are less than the cost of the works, additional bonds may in like manner be issued and sold to provide for the amount of the deficit, but not to exceed the amount necessary to complete the works according to the original plans and specifications. Such deficiency bonds shall be deemed to be the same in all respects as the original issue, and shall be entitled to payment, without preference or priority over the bonds first issued, and shall be disposed of in like manner. Deficiency bonds

4994. No error, defect, irregularity, informality, and no neglect or omission of any officer of any district in any proceedings under this chapter, that does not affect the jurisdiction of the governing body to order the doing of the acts proposed to be done, avoids or invalidates the proceedings or any bond. The exclusive remedy of any person affected or aggrieved thereby shall be to the governing body as provided in this chapter. Errors, defects, etc.

Bonds payable subsequent to second installment of taxes

4995. Bonds may be made payable on a date subsequent to the time fixed for the collection of the second installment of general district taxes with which the first levy of taxes for the payment of the principal and interest of said bonds is to be collected. In such event, the first interest coupons shall be for interest from the date of said bonds of such issue or series or division to the maturity date of said coupons.

(Repealed by Stats. 1939, Ch. 1124. Added by Stats. 1951, Ch. 1648. Effective July 23, 1951.)

Actions to determine right to issue and validity

4996. If the result of any election upon the question of the issuance of bonds is in favor of issuance, the board may, in its discretion, commence in the superior court of the county, a special proceeding to determine its right to issue the bonds and their validity, similar to the proceeding in relation to irrigation bonds, provided for by the "Irrigation District Law," and all supplementary acts, and all their provisions apply to and govern the proceedings to be commenced by the board, so far as applicable.

Judgment

The judgment has the same effect as a judgment in relation to irrigation bonds under the provisions of that act.

(Added by Stats. 1951, Ch. 1648. Effective July 23, 1951.)

## Article 5. Powers

Works

5000. Any district may acquire, construct, and operate works within or without its limits.

Property

5001. It may acquire by gift, purchase, condemnation, or otherwise, all lands, rights of way, or other property necessary therefor.

Bonds

5002. It may issue and sell bonds for the acquisition and construction of works.

(Amended by Stats. 1939, Ch. 1124.)

Supervision and control

5003. The governing body shall have supervision and control over the construction, acquisition, and operation of the works, and the collection of rates for their use.

Contracts

5004. The governing body may take all steps and proceedings and make and enter into all contracts or agreements necessary, convenient, or incidental to the performance of its duties or the execution of its powers under this chapter.

Employees

5005. It may employ engineers, architects, inspectors, superintendents, a manager, collectors, attorneys, and such other employees as in its judgment are necessary or convenient in the execution of its powers and duties, and may fix their compensation.

Rules and regulations

5006. The governing body shall establish rules and regulations for the use of the works, including all sewers and works connected therewith, as may be necessary or expedient to insure the successful operation of the works.

Public works damaged or destroyed

5007. The governing body shall provide that all public ways or public works damaged or destroyed in carrying out the provisions of this chapter shall be restored or repaired, and placed in their original condition, as nearly as practicable, out of funds provided under this chapter.

5008. In the operation of the works, the district may do **Powers**  
**any or all of the following:**

(a) Sell, or otherwise dispose of any water, sewage effluent, **By-products**  
 fertilizer, or other by-products resulting from the operation  
 of a sewerage system or sewage treatment or disposal plant,  
 and construct, maintain, and operate such pipe lines and other  
 works as may be necessary for those purposes.

(b) Construct, maintain, and operate pipe lines or such **Works**  
 other works as may be necessary to conserve and put to bene-  
 ficial use any water or sewage effluent recovered from the  
 operation of the sewerage system, plant, or works by sale  
 or disposition for agricultural or industrial purposes, includ-  
 ing irrigation, or by discharging or spreading the water or  
 sewage effluent in such manner as to percolate into the  
 underground gravels and replenish natural water resources.

(c) Exercise the power of eminent domain under the Con- **Eminent**  
 stitution and laws of the State in so far as it may be neces- **domain**  
 sary to carry out the provisions of this chapter.

(d) Make such contracts with the Reconstruction Finance **Contracts**  
 Corporation or other fiscal agency of the United States as **with United**  
 are necessary to meet the requirements of the Emergency **States**  
 Relief and Construction Act of 1932.

5009. Whenever any community in the district is pro- **Requiring**  
 vided with a sewerage system under this chapter the govern- **connection**  
 ing body having jurisdiction over that community shall **with sewer-**  
 declare the further maintenance or use of cesspools or other **age system**  
 local means of sewage disposal to be a public nuisance and  
 shall require all buildings inhabited or used by human beings  
 to be connected with the sewerage system, within 90 days from  
 completion, if the buildings to be served thereby are within  
 100 feet of the system.

5010. All works acquired or constructed under this chap- **Work by bids**  
 ter where the expense involved exceeds five hundred dollars **or contract**  
 (\$500), shall be done by contract which shall be awarded to  
 the lowest responsible bidder as provided in this chapter. If  
 the bonds are purchased by the Reconstruction Finance Corpo-  
 ration or other fiscal agency of the United States on condition  
 or request that the governing body have the work performed  
 by day labor instead of by contract, the governing body may  
 comply with the condition or request and the work need not  
 be done by contract.

5011. The governing body shall comply with all the con- **Compliance**  
 ditions and requirements of the Emergency Relief and Con- **with Fed-**  
 struction Act of 1932, respecting the employment of labor, **eral law**  
 and other matters in connection therewith unless they are **47 Stat.,**  
 in conflict with the Constitution and laws of this State. **709**

5012. Before awarding any contract for construction of **Notice invit-**  
 works the governing body shall cause to be published a notice **ing bids**  
 inviting sealed bids for doing it.

The notice shall refer to the plans and specifications on file.  
 It shall be published twice in a daily, semiweekly, or weekly  
 newspaper, published and circulated in the district, and des-



ignated by the governing body. If there is no newspaper published in the district, and the district is less than a county, the notice shall be published in a newspaper in the county in which the district is located.

The time fixed for receiving bids shall be not less than 10 days from the first publication of the notice.

**Bids accompanied by check** 5013. All bids shall be accompanied by a certified check payable to the district for an amount that is not less than 10 per cent of the aggregate of the bid. No bid shall be considered unless accompanied by the check.

**Opening bids** 5014. The bids shall be delivered to the clerk. The governing body shall, in open session, publicly open, examine, and declare them.

**Rejection of bids** 5015. The governing body may reject all bids if it deems this for the public good, and shall reject all bids other than the lowest regular responsible bidder, and may award the contract to him at the price named in his bid.

**Readvertising for bids** 5016. If the bids are rejected or if no bids are received, the governing body may readvertise for bids as in the first instance without further proceedings.

**Forfeiture of deposit** 5017. If the successful bidder fails, neglects, or refuses for 20 days after written notice of the award has been mailed him to enter into the contract to perform the work, the check accompanying his bid, and the amount therein named, shall be declared forfeited to the district, and shall be collected by it and paid into its general fund.

**Faithful performance bond** 5018. Each contractor shall, at the time of entering into the contract, execute a surety bond to the satisfaction and approval of the governing body in a sum not less than 25 per cent of the amount of the contract, conditioned upon its faithful performance.

**Commencement of work** 5019. The contract shall provide that the work shall be commenced within 20 days after the contractor has received written notice from the clerk that there is sufficient money or revenue bonds in the special fund provided to pay the contract price.

**Materialmen's bond** 5020. At the time of entering into the contract the contractor shall execute, deliver, and file with the governing body a good and sufficient surety bond, in a sum not less than one-half the total amount payable by the terms of the contract, conditioned upon the payment by the contractor or his subcontractors, for any and all materials, provisions, provender, other supplies, or teams, or the use of implements or machinery used in, upon, or about the performance of the work.

**Foreclosure of lien** 5021. All provisions of the codes and general laws relating to notice and the foreclosure of such liens are applicable, but suit may only be brought on the bond within six months after the expiration of the period for the filing of verified claims.

**Provisions of bond** 5022. In all respects not otherwise provided for in this chapter the bond shall be in conformity with the requirements of the general law of the State regarding contractor's bonds

for the benefit of laborers and materialmen, who shall have a first lien against any moneys or bonds due or about to become due the contractor.

## Article 6. Finances

5025. All necessary preliminary expenses incurred by the governing body in carrying out this chapter, including the making of surveys, plans, and estimates of costs and revenues, compensation of employees, the giving of notices, taking of options, and all other expenses of whatsoever nature, necessary to be paid prior to the issue and sale of the bonds, may be advanced out of the general fund of the district. The general fund shall be fully reimbursed out of the first money received from the sale of the bonds, and before any other disbursements are made therefrom.

Payment of  
preliminary  
expense from  
general fund

5026. All compensation of employees, and all other expenses, incurred in carrying out the provisions of this chapter shall be paid solely from funds provided under the authority of this chapter.

Funds for  
compensation  
of employees  
and other  
expenses

5027. After reimbursement and repayment to the district of all amounts advanced for preliminary expenses, all money, other than premiums and accrued interest, received from the sale of bonds shall be applied solely to the cost of the works.

Use of bond  
funds

5028. The money received from the collection of the rates, together with any other revenue derived from the operation of the works, shall be deposited in a bank by the treasurer in the same manner that public money is deposited by cities. The money so deposited shall be kept as a separate and distinct fund.

Deposit of  
revenues

5029. This fund shall be applied as follows:

Use of fund

First, for the payment of the cost of management, maintenance, operation, and repair of the works.

Second, for the required payments into the sinking fund.

Third, the governing body may use any surplus remaining in either or both of the following ways:

(a) For the purchase in the open market of its outstanding unmatured bonds at a price not above par and accrued interest, plus an allowance of six months' interest from date of purchase.

(b) For extensions, or for the enlargement, replacement, or betterment of the works.

5030. Upon the issuance of bonds the governing body shall by ordinance create a sinking fund for the payment of the bonds and interest, and shall set aside a sufficient amount of the net revenue of the works, after paying the expense of operation, repair, and maintenance, to provide for all of the following:

Sinking fund

(a) The interest upon bonds.

(b) The payment of the bonds.

(c) A margin for safety and for the payment of premiums upon bonds retired by call or purchase, which margin, together with any unused surplus of the margin, carried forward from

the preceding year, shall equal 10 per cent of all other amounts required to be paid into the sinking fund.

Payments  
into sink-  
ing fund

5031. All money received for premium and accrued interest shall be paid into the sinking fund and used for the purposes for which it was created.

Accounts

Audit

5032. A district issuing bonds shall install and maintain a proper system of accounts, showing the amount of revenue received and its application. The district shall at least once a year cause the accounts to be properly audited by a competent auditor. The report of the audit shall be open for inspection at all times by any taxpayer, user of the works, holder of bonds, or any representative of such person.

Treasurer

5033. The treasurer is custodian of the funds derived from income received from the works constructed or acquired under the provisions of this chapter.

Treasurer's  
bond

5034. The treasurer shall give a proper surety bond for the faithful discharge of his duties as custodian, which bond shall be fixed and approved by the governing body. The premium on the surety bond shall be paid by the district.

## Article 7. Rates and Collection

Establish-  
ment of  
rates

5040. The governing body shall establish just and equitable rates for the use and maintenance of the works, to be paid by the person leasing or occupying the building or premises served thereby or that in any way uses or is served by the works, and may change and readjust the rates from time to time. The rates shall be sufficient in each year for the payment of the proper and reasonable expenses of operation, repair, replacement, and maintenance of the works, and for payment of the sums required to be paid into the sinking fund.

Amount of  
rates

5041. The governing body shall establish rates that, beyond all reasonable doubt, will bring in sufficient money to meet the interest and principal on all outstanding bonds as they fall due, in addition to the expense of operation.

Court order  
to fix rates

5042. Whenever it appears that the rates are insufficient to provide enough money to pay the principal and interest, in addition to the operating expenses, and the governing body neglects or refuses to fix adequate rates therefor, any bondholder may petition the superior court for a writ of mandate to compel the governing body to increase the rates to such an extent as will make them sufficient to provide enough money for those purposes.

Variable  
rates

5043. The governing body may establish variable rates for different classes of users, or for different parts of the area, where all or any portion of the sewage works have been previously installed and financed under other laws or methods, so that the variable rates may be most equitable and just to all concerned.

Limitation  
on rates

5044. However, the rates may only be imposed and collected from the users of all or any portion of such works as are constructed with money derived from the sale of the bonds.



5045. If the users of all or any portion of any works previously acquired and financed by other methods receive any additional benefits from the construction or operation of all or any portion of the works subsequently constructed or acquired from the proceeds of the bonds, the governing body may impose reasonable rates on the works previously acquired, but only sufficient to cover the value of the additional benefits. Additional rates

5046. No rates shall be established until after a public hearing, at which all the users of the works and owners of property served or proposed to be served thereby and others interested have opportunity to be heard concerning the proposed rates. Hearing

5047. After introduction of the ordinance, resolution, or order fixing the rate, and before it is finally enacted, notice of the hearing, setting forth the proposed schedule of rates shall be given by one publication in a newspaper published in the district, if there is such a newspaper, but otherwise in a newspaper having general circulation in the district. The notice shall be published at least 10 days before the date fixed in the notice for the hearing. The hearing may be adjourned from time to time. Notice

5048. After the hearing the ordinance, resolution, or order establishing rates, either as originally introduced or as modified and amended, shall be passed and put into effect. Adoption of ordinance

5049. A copy of the schedule of the rates shall be kept on file in the office of the clerk, and shall be open to inspection by any interested person. Copy of schedule

5050. The rates for any class of users or property served may be extended to cover any additional premises thereafter served which fall within the same class, without the necessity of hearing or notice. Extension of rates to new premises

5051. Any change or readjustment of the rates shall be made in the same manner as the rates were originally established. Change of rates

5052. If the rate is not paid when due, on the first day of each calendar month thereafter a penalty of 10 per cent of the amount of the delinquent rate shall be added. Penalty for nonpayment

5053. The rates and penalties may be collected in the following manner: Collection

(a) An action may be brought in the name of the district against the person who occupied the property when the service was rendered for the collection of the amount of the delinquent rate and all penalties. A reasonable attorney's fee shall be awarded the plaintiff. Actions  
Attorney's fee

(b) The governing body may provide that the rates shall be collected with the rates for any other utility service rendered by the district and all the rates shall be itemized, billed upon the same bill, and collected as one item, together with and not separate from such other utility service charge. Rates

(c) Such rates may be collected with the rates for any other utility service furnished by a department or agency of such district over which the legislative body thereof does not exer-

cise control, or with a publicly or privately owned public utility, with the written consent and agreement of said department or agency or public utility owner, which agreement shall establish the terms and conditions upon which such collections shall be made. Such agreement, in the discretion of such department or agency or public utility owner making the collections, also may provide that said rates shall be itemized, billed upon the same bill, and collected as one item, together with and not separately from such other utility service charge.

(Amended by Stats. 1949, Ch. 1507.)

Additional  
remedies

5054. The remedies specified for collecting and enforcing rates are cumulative and may be pursued alternatively or may be used consecutively when the governing body so determines.

If any remedy is invalid, all valid remedies shall remain effectual.

Bondholder  
may compel  
collection

5055. Until the principal and interest of the bonds are fully paid any holder of any bond outstanding at any time may compel the use of any or all of the remedies provided in this chapter.

Payments  
under  
protest

5056. After rates are fixed pursuant to this article, any person may pay such rates under protest and bring an action against the governing body in the superior court to recover any money which the governing body refuses to refund. Payments made and actions brought under this section, shall be made and brought in the manner provided for the payment of taxes under protest and actions for refund thereof in Article 2, Chapter 5, Part 9, Division 1 of the Revenue and Taxation Code, insofar as those provisions are applicable.

(Added by Stats. 1949, Ch. 865.)

## Article 8. Leases

Contract for  
use of works

5060. Any district owning or operating works may contract with one or more other cities, counties, sanitation districts, or sanitary districts for the use of the works, but only to the extent of their capacity and without impairing their usefulness, upon such terms and conditions as may be fixed and approved by ordinances of the respective contracting entities. Contracts shall not be made for a period of more than 15 years nor in violation of the provisions of the ordinance authorizing the bonds.

Rates for  
leased works

5061. The governing body of the district may by ordinance establish, change, and adjust rates for the service rendered in the lessee-district by the works, against the owners of the premises served, in the manner provided for establishing, changing, and adjusting rates for the service rendered in the district where the works are owned and operated, and the rates constitute a lien on the property served, and shall be collected as provided for rates made by the owner-district.

Appurtenant  
works in  
leased system

5062. The necessary intercepting sewers and appurtenant works for connecting the works of the owner-district with the sewerage system of the lessee-district shall be constructed

by the owner-district or the lessee-district, or both, upon such terms and conditions as are set forth in the contract, and the cost or that part of the cost which is to be borne by the owner-district may be paid as part of the cost of the works from the proceeds of the bonds unless otherwise provided by the ordinance.

5063. The income received by the owner-district under the contract shall, if so provided in the ordinance, be deemed to be a part of the revenue of the works. The owner-district shall deduct from the whole cost and expenses such part as shall be paid by the lessee-district pursuant to the provision of the contract; but no rates shall be imposed or collected from the users of the works or portions thereof except in cases where the works or portions thereof have been acquired by means of the bonds, and unless additional benefits will be derived by the users as a result of the contract. In that case the rates shall be only sufficient to cover the value of the additional benefits.

Income from  
leased works

#### Article 9. Annexation and Exclusion

(Article 9 added by Stats. 1951, Ch. 629)

5070. Territory which has become annexed to a district which has authorized the issuance of bonds pursuant to this chapter, and which territory shall use the works, shall become subject to the rates and charges imposed by the district for the use and maintenance of the works.

Charges for  
use of works:  
Annexed  
territories

(Added by Stats. 1951, Ch. 629.)

5071. Territory which has been withdrawn from a district which has authorized the issuance of bonds pursuant to this chapter, and which territory continues to use the works, shall remain liable for the payment of its pro rata share of the rates and charges imposed by the district for the use and maintenance of the works.

Excluded  
territories

(Added by Stats. 1951, Ch. 629.)

5072. A city to which any territory has been annexed, whether or not said territory has been withdrawn from a district which has authorized the issuance of bonds pursuant to this chapter, and which territory continues to use the works, may contract with the district to pay the district annually or at lesser intervals a sum or sums in lieu of the payment by the owners or residents within said territory of the rates and charges imposed by the district for the use and maintenance of the works.

Territories  
annexed  
to cities

(Added by Stats. 1951, Ch. 629.)

### CHAPTER 6. GENERAL PROVISIONS WITH RESPECT TO SEWERS

#### Article 1. Rights of Way for Sewers and Drainage

5400. The board of supervisors of a county may vacate or abandon easements for sewage or drainage purposes whenever it determines that they are no longer required for public use.

Abandon-  
ment of ease-  
ments and  
rights of way



## Article 2. Sewage and Industrial Waste

(Article 2 repealed and added by Stats. 1949, Ch. 1550)

5410. As used in this chapter:

"Sewage"

(a) "Sewage" means any and all waste substance, liquid or solid, associated with human habitation, or which contains or may be contaminated with human or animal excreta or excrement, offal, or any feculent matter.

"Industrial Waste"

(b) "Industrial Waste" means any and all liquid or solid waste substance, not sewage, from any producing, manufacturing or processing operation of whatever nature.

"Person"

(c) "Person" as used in this article also includes any city, county, and any district.

"Waters of the State"

(d) "Waters of the State" means any waters, surface or underground, including saline waters, within the boundaries of the State as defined and described in Section 1 of Article XXI of the Constitution and as given greater precision in Sections 170, 171, and 172 of the Government Code.

"Contamination"

(e) "Contamination" means an impairment of the quality of the waters of the State by sewage or industrial waste to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease. "Contamination" shall include any equivalent effect resulting from the disposal of sewage or industrial waste, whether or not waters of the State are affected.

"Pollution"

(f) "Pollution" means an impairment of the quality of the waters of the State by sewage or industrial waste to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic, industrial, agricultural, navigational, recreational or other beneficial use.

"Nuisance"

(g) "Nuisance" means damage to any community by odors or unsightliness resulting from unreasonable practices in the disposal of sewage or industrial wastes.

"Regional board"

(h) "Regional board" means any regional water pollution control board created pursuant to Section 13041 of the Water Code.

(Repealed and added by Stats. 1949, Ch. 1550.)

Discharge prohibited

5411. No person shall discharge sewage or industrial waste, or the effluent of treated sewage or industrial waste, in any manner which will result in contamination, pollution or a nuisance.

(Repealed and added by Stats. 1949, Ch. 1550.)

Abatement order

5412. Whenever the state department or any local health officer finds that a contamination exists, the department or officer shall order the contamination abated, as provided in this chapter.

(Repealed and added by Stats. 1949, Ch. 1550.)

Action by regional board

5413. Whenever the state department finds that a pollution or nuisance does, in fact, exist, such condition shall be immediately referred by the department to the proper regional board for action, together with any recommendations for cor-

rection. Upon request of a regional board the state department shall inspect and report to the board on any technical factors involved in any condition of pollution or nuisance.

(Repealed and added by Stats. 1949, Ch. 1550.)

5414. With respect to any condition of contamination, the state department may accept the action of any state, county, or municipal officer or agency having jurisdiction over the matter as sufficient.

Ratification  
of state,  
county, etc.,  
officers'  
action

(Repealed and added by Stats. 1949, Ch. 1550.)

5415. No provision in this chapter is a limitation:

Inapplica-  
bility of  
provisions

(a) On the power of a city or county to adopt and enforce additional regulations not in conflict therewith imposing further conditions, restrictions, or limitations with respect to the disposal of sewage or industrial waste.

(b) On the power of any city or county to declare, prohibit, and abate nuisances.

(c) On the power of a state agency in the enforcement or administration of any provision of law which it is specifically permitted or required to enforce or administer.

(d) On the right of any person to maintain at any time any appropriate action for relief against any private nuisance as defined in the Civil Code or for relief against any contamination or pollution.

(Repealed and added by Stats. 1949, Ch. 1550.)

5416. (a) There shall be not less than one water closet for each 20 employees or fractional part thereof working at a construction job site.

Water  
closets at  
construction  
job sites

(b) The water closet shall consist of a patented chemical type privy, or a pit privy; provided, however, that a pit privy shall consist of a pit at least four feet deep with a well-constructed shelter, the openings of which shall be flyproofed, and with respect to which adequate sanitary and safe flooring shall be provided. With the approval of the local health officer other types of toilet facilities or modifications of those specified may be allowed.

(c) For the purpose of this section the term construction site shall mean the location on which actual construction of a building is in progress.

(Repealed by Stats. 1949, Ch. 1550; added by Stats. 1951, Ch. 984.)

5417. (Repealed by Stats. 1949, Ch. 1550.)

5418. (Repealed by Stats. 1949, Ch. 1550.)

5419. (Repealed by Stats. 1949, Ch. 1550.)

5420. (Repealed by Stats. 1949, Ch. 1550.)

5421. (Repealed by Stats. 1949, Ch. 1550.)

5422. (Repealed by Stats. 1949, Ch. 1550.)

5423. (Repealed by Stats. 1949, Ch. 1550.)

5424. (Repealed by Stats. 1949, Ch. 1550.)

5425. (Repealed by Stats. 1949, Ch. 1550.)

5426. (Repealed by Stats. 1949, Ch. 1550.)

5427. (Repealed by Stats. 1949, Ch. 1550.)

5428. (Repealed by Stats. 1949, Ch. 1550.)

- 5429. (Repealed by Stats. 1949, Ch. 1550.)
- 5430. (Repealed by Stats. 1949, Ch. 1550.)
- 5431. (Repealed by Stats. 1949, Ch. 1550.)
- 5432. (Repealed by Stats. 1949, Ch. 1550.)
- 5433. (Repealed by Stats. 1949, Ch. 1550.)
- 5434. (Repealed by Stats. 1949, Ch. 1550.)
- 5435. (Repealed by Stats. 1949, Ch. 1550.)
- 5436. (Repealed by Stats. 1949, Ch. 1550.)
- 5437. (Repealed by Stats. 1949, Ch. 1550.)
- 5438. (Repealed by Stats. 1949, Ch. 1550.)
- 5439. (Repealed by Stats. 1949, Ch. 1550.)
- 5440. (Repealed by Stats. 1949, Ch. 1550.)
- 5441. (Repealed by Stats. 1949, Ch. 1550.)
- 5442. (Repealed by Stats. 1949, Ch. 1550.)
- 5443. (Repealed by Stats. 1949, Ch. 1550.)
- 5444. (Repealed by Stats. 1949, Ch. 1550.)
- 5445. (Repealed by Stats. 1949, Ch. 1550.)

### Article 3. Procedure for Abatement

(Article 3 repealed and added by Stats. 1949, Ch. 1550)

- |                                 |   |
|---------------------------------|---|
| Peremptory order                | 5460. The state department or local health officer may issue a peremptory order requiring the abatement of a contamination, and shall immediately furnish to the proper regional board a report of information and data relating thereto.   |
| Injunction                      | Coincident with issuing such order the director or local health officer may, or if any order or regulation is not complied with, shall bring and prosecute an action for an injunction in the superior court of the county in which the contamination occurs.<br>(Amended in identical language by Stats. 1945, Ch. 979 and Ch. 1337; repealed and added by Stats. 1949, Ch. 1550.)   |
| Penalty                         | 5461. Any person who discharges sewage or industrial waste in any manner which results in contamination is guilty of a misdemeanor.<br>(Amended by Stats. 1945, Ch. 979; repealed by Stats. 1945, Ch. 1337; added by Stats. 1949, Ch. 1550.)  |
| Defendants                      | 5462. Any action taken pursuant to this article with respect to the abatement of contamination created by the disposal of sewage or industrial waste from a community or cooperative sewerage system, shall be taken only against the agent or the agency operating such system and the contributor or contributors to the system whose waste in and of itself creates a contamination.<br>(Repealed and added by Stats. 1949, Ch. 1550.) |
| Lien for sewer connection costs | 5463. Any health officer or governing board of any city, county, or sanitary district, having served written notice upon the owner or reputed owner of land upon which there is a dwelling-house, and such owner or reputed owner, after 30 days, having refused, neglected, or failed to connect such dwelling-house, together with all toilets, sinks, and other plumbing therein, properly vented, and in a sanitary manner, with the  |



adjoining street sewer, may construct the same at a reasonable cost, and the person doing said work at the request of such health officer or governing board has a lien upon said real estate for his work done and materials furnished, and such work done and materials furnished shall be held to have been done and furnished at the instance of such owner or reputed owner, or person claiming or having any interest therein. Such governing board may pay all or any part of the cost or price of such connection to the person or persons who furnished labor, materials, or equipment for the same, and, to the extent such governing board pays the cost or price of said connection, it shall succeed to and have all the rights, including the lien provided for above, of such person or persons against the real estate and against the owner or reputed owner thereof.

The liens provided for by this section shall be enforced in the same manner as those provided for by Chapter 2 of Title 4, Part 3 of the Code of Civil Procedure. Enforcement

(Amended in identical language by Stats. 1945, Ch. 979 and Ch. 1337; repealed by Stats. 1949, Ch. 1550. Added by Stats. 1951, Ch. 1159.)

NOTE: Stats. 1951, Ch. 1159 also contained the following provision:

SEC. 5. It is the intent of the Legislature to accomplish by this act only a formal revision of the law relating to mechanics' liens. Nothing in this act contained shall be construed as an alteration in the public policy or legislative intent regarding such law, nor in the meaning or substance thereof.

5464. (Amended by Stats. 1945, Ch. 979; repealed by Stats. 1945, Ch. 1337.)

#### Article 4. Sanitation and Sewerage Systems

(Article 4 added by Stats. 1945, Ch. 979)

5470. Any city or city and county shall have power, by an ordinance approved by a two-thirds vote of the members of the legislative body thereof, to prescribe, revise and collect, fees, tolls, rates, rentals, or other charges for services and facilities furnished by it in connection with its sanitation or sewerage systems; provided, that the city and county may provide that such charge for such service shall be collected with the rates, tolls and charges for any other utility, and that any or all such charges may be billed upon the same bill; provided further, that where such charge is to be collected with the charges for any other utility service furnished by a department or agency of such city or city and county and over which the legislative body of the city or city and county does not exercise control, the consent of such department or agency shall be obtained prior to collecting sanitation or sewerage charges with the charges for any other utility. Revenues derived by cities and cities and counties under the provisions in this section, shall be used only for the acquisition, construction, reconstruction, maintenance and operation of water systems and sanitation or sewerage facilities, to repay principal and interest on bonds issued Charge for  
service

Disposition  
of moneys

for the construction or reconstruction of such water systems and sanitary or sewerage facilities and to repay federal or state loans or advances made to such city or city and county for the construction or reconstruction of water systems and sanitary or sewerage facilities; provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers.

(Added by Stats. 1945, Ch. 979; amended by Stats. 1949, Ch. 319 and by Stats. 1951, Ch. 719.)

Powers

5471. Counties, sanitary districts, county sanitation districts, and sewer maintenance districts shall have all the powers provided in Section 5470 with respect to a city or city and county.

(Added by Stats. 1947, Ch. 1367.)

Collection

5472. Such rates may be collected with the rates for any other utility service furnished by a department or agency of such district over which the legislative body thereof does not exercise control, or with a publicly or privately owned public utility, with the written consent and agreement of said department or agency or public utility owner, which agreement shall establish the terms and conditions upon which such collections shall be made. Such agreement, in the discretion of such department or agency or public utility owner making the collections, also may provide that said rates shall be itemized, billed upon the same bill, and collected as one item, together with and not separately from such other utility service charge.

(Added by Stats. 1949, Ch. 865 and Ch. 1507.)

Sanitation  
and sewerage  
service fees

5473. Any city, or city and county, sanitary district, county sanitation district or sewer maintenance district shall have power by an ordinance approved by a two-thirds vote of the members of the legislative body thereof, to fix fees, tolls, rates, rentals, or other charges for services and facilities furnished by it in connection with its sanitation or sewerage system, in July of each year for the next ensuing calendar year, to be payable in two equal installments, one on or before December 5th of each year and one on or before April 5th of each year; and to provide in said ordinance that the amount of said fees, tolls, rates, rentals or other charges, shall constitute a lien against the respective lots or parcels of land to which said services and facilities are furnished. The legislative body shall first give notice to the owners of said lots or parcels of land, which notice shall be substantially in the following form:

Notice  
of lien:  
Form

### NOTICE OF LIEN

Pursuant to the authority of Section 5473 of the Health and Safety Code, the undersigned legislative body will cause an assessment to be levied against the lots or parcels of land to which sanitation or sewerage services have been furnished by the undersigned, in an amount appearing opposite the name of the owner of said lot or parcel of land hereinafter in this notice specified;

You are further notified that the undersigned legislative body will hold a hearing on the \_\_\_\_\_ day of \_\_\_\_\_, at the hour of \_\_\_\_ at \_\_\_\_\_, to determine if the fees, tolls, rates, rentals or other charges for services and facilities furnished by the undersigned in connection with its sanitation and sewerage system shall constitute a lien upon said lots or parcels of land. The persons hereinafter named shall have the right to appear at said hearing and to file any and all objections they may have to the levy of said assessments against said lots or parcels of land at which time said legislative body, after due consideration will determine whether said fees, tolls, rates, rentals or other charges, shall constitute a lien against said lots or parcels of land.

\_\_\_\_\_  
(Title of Officer of Legislative  
Body causing notice to be given)

A description of the owners of lots or parcels of land and the amount of assessment against the same are as follows, to wit:

Owner.	Amount of Assessment
--------	----------------------

(Added by Stats. 1951, Ch. 294.)

5473.1. The notice shall be published once a week for three successive weeks prior to the date set for hearing, in a newspaper of general circulation, and written notice thereof shall be mailed to each person whose name appears in said notice as published, at least 10 days prior to the date of hearing. Publication

(Added by Stats. 1951, Ch. 294.)

5473.2. At the time stated in the notice, the legislative body shall hear and consider all objections or protests, if any, to the levy of said assessments referred to in said notice and may continue the hearing from time to time. Protests

(Added by Stats. 1951, Ch. 294.)

5473.3. Upon the conclusion of the hearing, the legislative body may adopt, revise, change, reduce or modify any assessment or overrule any or all objections and shall make its determination upon each assessment as described in said notice which determination shall be final. Assessment  
determinations

(Added by Stats. 1951, Ch. 294.)

5473.4. On or before the tenth day of August of each year following such final determination, the legislative body, shall direct the auditor to enter the amounts of the assessments against the respective lots or parcels of land as they appear on the current assessment roll. Entry of  
assessment

(Added by Stats. 1951, Ch. 294.)

5473.4a. The amount of the assessment shall constitute a lien against the lot or parcel of land against which the assessment has been levied as of noon on the first Monday in March immediately preceding the date of levy. Lien

(Added by Stats. 1951, Ch. 294.)



- Levy** 5473.5. The tax collector shall include the amount of the assessment on bills for taxes levied against the respective lots and parcels of land.  
(Added by Stats. 1951, Ch. 294.)
- Collection** 5473.6. Thereafter the amount of the assessments shall be collected at the same time and in the same manner as county and city taxes are collected, and shall be delinquent on the twentieth day of April of each year, at 5 p.m. of said day and thereafter a delinquent penalty of 6 percent attaches to them.  
(Added by Stats. 1951, Ch. 294.)
- Delinquency**
- Redemption of property** 5473.7. All laws applicable to the levy, collection and enforcement of county and city taxes are applicable to such assessments; provided, except, that in the event of a sale of any lot or parcel of land because of a delinquency as provided in Section 5473.6, the period of time within which said property may be redeemed is two years from the date of sale.  
(Added by Stats. 1951, Ch. 294.)
- Separate bills, etc.** 5473.8. The county or city tax collector may, in his discretion, issue separate bills for such assessments and separate receipts for collection on account of such assessments. The county shall be compensated for services rendered in connection with the levy, collection and enforcement of such assessments in an amount to be fixed by agreement between the board of supervisors and the legislative body of the city, city and county, sanitary district, county sanitation district or sewer maintenance district. The compensation shall not exceed 1 percent of all money collected for the city, city and county, county sanitation district or sewer maintenance district. The compensation shall be paid into the county salary fund.  
(Added by Stats. 1951, Ch. 294.)
- Compensation of county**
- Cancellation of assessment** 5473.9. All or any portion of any such assessment, penalty or costs heretofore or hereafter entered, shall on order of the legislative body of the city or city and county, sanitary district, county sanitation district or sewer maintenance district be canceled by its auditor if uncollected, or, except in the case provided for in subdivision (d) hereof, refunded by the county treasurer if collected, if it or they were entered, charged or paid:  
 (a) More than once;  
 (b) Through clerical error;  
 (c) Illegally;  
 (d) On property acquired after the lien date by the State or by any county, city, school district or other political subdivision and because of this public ownership not subject to sale for delinquent taxes.  
(Added by Stats. 1951, Ch. 294.)
- Refunds** 5473.10. No order for a refund under the foregoing section shall be made except on a claim:  
 (a) Verified by the person who paid the special assessment, his guardian, executor, or administrator;

(b) Filed within one year after making of the payment sought to be refunded.

The provisions of this section do not apply to cancellations.

(Added by Stats. 1951, Ch. 294.)

5473.11. Revenues derived by cities, cities and counties, sanitary districts, county sanitation districts and sewer maintenance districts under the provisions of Section 5473 hereof shall be used only for the acquisition, construction, reconstruction, maintenance and operation of sanitation or sewerage facilities, to pay municipalities for sewer service collection charges, to repay principal and interest on bonds issued for construction or reconstruction of such sanitary or sewerage facilities and repay federal or state loans or advances made to such city or city and county, sanitary districts, county sanitation districts, and sewer maintenance districts for the construction or reconstruction of sanitary or sewerage facilities; provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers.

Use of  
revenues

(Added by Stats. 1951, Ch. 294.)

#### CHAPTER 7. EFFECT ON PREVIOUS LAWS

5475. No right or obligation accrued by the formation or operation of a municipal sewer district pursuant to the provisions of Chapter 673, Statutes of 1909, is affected by the repeal of that act, and any district organized may continue in existence and subject to that act.

Effect of  
repeal of  
Stats. 1909,  
p. 1011

#### CHAPTER 8. COUNTY SEWERAGE AND WATER DISTRICTS

(Chapter 8 added by Stats. 1949, Ch. 1491)

##### Article 1. General Provisions

(Article 1 added by Stats. 1949, Ch. 1491)

5500. This chapter shall be known and cited as the "Sewerage and Water District Act."

"Sewerage  
and Water  
District  
Act"

(Added by Stats. 1949, Ch. 1491.)

5501. "District," as used in this chapter, means any county sewerage and water district formed pursuant to this chapter.

"District"

(Added by Stats. 1949, Ch. 1491.)

5502. "District board," as used in this chapter, means the board of directors of a district.

"District  
board"

(Added by Stats. 1949, Ch. 1491.)

5503. Districts may be formed, maintained, and governed in any county as provided in this chapter.

Formation,  
etc.

(Added by Stats. 1949, Ch. 1491.)

5504. Districts formed or proposed to be formed under this chapter are not subject to the "District Investigation Act of 1933."

Act not  
applicable

(Added by Stats. 1949, Ch. 1491.)

## Article 2. Formation

(Article 2 added by Stats. 1949, Ch. 1491)

Resolution  
of intention

5510. A board of supervisors desiring to form a sewerage and water district shall adopt a resolution of its intention to do so. The resolution shall contain all of the following:

Content

- (a) A statement of the intention to form a district.
- (b) The boundaries of the proposed district or some other designation of its territorial extent.
- (c) The name of the proposed district.
- (d) The time and place where objections to the formation of the district or to its extent will be heard.
- (e) Instructions to the clerk of the board to publish the resolution and notices of hearing.

(Added by Stats. 1949, Ch. 1491.)

Territory

5511. The district as formed may include unincorporated or incorporated territory, or both. The incorporated territory included in the district may include the whole or part of one or more cities. However, less than the whole of a city shall not be included in the district except by the vote of a majority of the governing body of the city.

Exempt  
territory

The district shall not include the whole or any part of any other district formed for similar purposes unless the governing body of such other district shall consent thereto and the board of supervisors, after a hearing, shall find and determine by resolution duly adopted that the proposed inclusion of the whole or part of such other district within the district is in the public interest and the territory affected will benefit thereby.

Notice

Notice of such hearing shall be given by publication in at least two successive issues, not more than thirty nor less than ten days prior to the hearing, in a newspaper of general circulation published within the county.

(Added by Stats. 1949, Ch. 1491.)

Time for  
hearing

5512. The time to be fixed for the hearing of objections shall be not less than thirty days after the adoption of the resolution. The hearing shall be held at the regular meeting place of the board of supervisors or else at some place in the proposed district.

(Added by Stats. 1949, Ch. 1491.)

Publication

5513. Prior to the time of hearing, the resolution shall be published at length twice in at least one newspaper of general circulation in the proposed district and brief notices of the passage of the resolution and the time and place of the hearing may be published in one or more daily or weekly newspapers published and circulated in the proposed district.

(Added by Stats. 1949, Ch. 1491.)

Protests

5514. At the time provided in the resolution of intention or at any time to which the hearing is continued, the board of supervisors shall hear any objections to the formation of the district or to its extent. At the hearing the board of supervisors may exclude any territory that in its opinion will not be benefited by being in the district.

(Added by Stats. 1949, Ch. 1491.)



5515. If written objection to the formation of the district, signed by 2 percent of the voters registered in the district, is filed with the board, it shall, and in any event it may, either adopt an order abandoning the formation of the proposed district or order the matter of the formation of the district with the boundary lines determined at the close of the hearing submitted to the voters of the proposed district at an election. Filing of protests  
Formation

(Added by Stats. 1949, Ch. 1491.)

5516. At the election only voters registered in the proposed district may vote. Election precincts shall be established by the board of supervisors, and precinct boards, composed of one inspector, one judge, and one clerk, shall be appointed. At least one week prior to the election, notice of the election shall be given by publication in a newspaper of general circulation in the proposed district. In other particulars the election shall be conducted in the manner ordered by the board of supervisors. Election:  
Notice

(Added by Stats. 1949, Ch. 1491.)

5517. At the conclusion of the hearing, or if an election is held and the canvass of the election returns shows that a majority of all the votes cast in the entire proposed district and that a majority of the votes cast on the question in each city or part thereof in the proposed district were in favor of the formation of the district, the board of supervisors may, if it deems best, make an order forming the district. Canvass

(Added by Stats. 1949, Ch. 1491.)

5518. The order of formation shall contain the name of the district, and a description of the boundaries or otherwise indicate its territory. The order shall also designate individuals appointed by the board of supervisors to serve as members of the district board representing the unincorporated area within the district. The order is conclusive evidence of the regularity of all prior proceedings, except the adoption and publication in full of the resolution of intention and of the fact of the hearing. Order of formation

(Added by Stats. 1949, Ch. 1491.)

### Article 3. Officers

(Article 3 added by Stats. 1949, Ch. 1491)

5530. The governing body of a district is a board of directors of not less than three members. The presiding officer of the governing body of each city, the whole or part of which is included in the district, is a member of the district board. Board  
Presiding officer

If unincorporated territory and territory of but one city is included in the district, two members of the district board shall be appointed from such unincorporated territory, unless the population of the city or part in the district exceeds that of the unincorporated territory included in the district, in which event one member appointed from such unincorporated territory and the presiding officer of the governing body of the city and one other member of the city governing body constitute the district directors. Members

Whenever unincorporated territory and all or parts of two or more cities are included in the district one member of the district board shall be appointed from the unincorporated territory included within the district.

If the district contains no unincorporated territory, the district board shall consist of the presiding officers of the governing bodies of the cities wholly or in part in the district; and if only two cities or parts thereof are in the district, one additional member shall be selected from the governing body of each of the cities.

If the whole of the district is unincorporated territory, the board of supervisors of the county in which the district is formed constitutes the district board.

In case of the absence of the presiding officer of the governing body of a city, or his inability to act as a member of the district board, then an alternate member of such governing body may be selected, who shall be a member of the district board to act in place of such presiding officer during his absence or inability to act.

(Added by Stats. 1949, Ch. 1491.)

Qualifica-  
tions of  
director

5531. Each director shall, except as otherwise provided in this division, be a voter and a freeholder of the district and a resident of the city or territory which he represents.

(Added by Stats. 1949, Ch. 1491.)

Change of  
membership

5534. If additional territory is annexed to the district as well as whenever any change takes place in the character of the territory, by the incorporation of a city or otherwise, resulting in a condition which makes it necessary for a change to be made in the membership of the district board, the change in the membership of the district board takes place and becomes effective immediately.

(Added by Stats. 1949, Ch. 1491.)

Vacancies

5534.5. Vacancies occurring in the membership of a district board shall be filled by appointment for the unexpired term by the board of supervisors or the city council as the case may be.

(Added by Stats. 1949, Ch. 1491.)

Auditor

5535. The county auditor of the county in which the district is formed is ex officio the auditor of the district.

(Added by Stats. 1949, Ch. 1491.)

Compensation

5536. The district board shall have power to fix the amount of compensation per meeting to be paid each member of the board for his services for each meeting attended by him; provided, that said compensation shall not exceed ten dollars (\$10) for each meeting of the district board attended by him, together with expenses necessarily incurred by him in traveling between his place of residence and the place of meeting. However, no member shall receive compensation for attending more than three meetings of the board during any calendar month. The compensation herein mentioned shall be in addition to any other fees or compensation allowed by law for the other official positions mentioned in Section 5530 that are occupied by members of said district board.

Limitation  
on compensation

(Added by Stats. 1949, Ch. 1491.)

## Article 4. District Powers

(Article 4 added by Stats. 1949, Ch. 1491)

5539. A district may employ such sanitation experts, surveyors, counsel, and other persons as are needed to carry into effect any powers of the district.

Use of sanitation experts, surveyors, etc.

(Added by Stats. 1949, Ch. 1491.)

5540. The district may acquire by gift, purchase, condemnation, or otherwise, in the name of the district, and own, control, manage, and dispose of any interest in real or personal property necessary or convenient for the construction, maintenance, and operation of a sewerage system and sewage disposal or treatment plant.

Acquisition of property

(Added by Stats. 1949, Ch. 1491.)

5541. It may construct, maintain, and operate within or without the district a sewerage system and sewage disposal or treatment plant.

Sewage disposal plants, etc.

(Added by Stats. 1949, Ch. 1491.)

5542. It may join with any other district, city, state or other governmental agency or any other agency, and any other district, city, state, or other governmental agency may join with any district formed hereunder and may perform all the functions then required, in the construction, maintenance, or operation of a sewerage system or sewage disposal or treatment plant, either within or without the district, or so join for any combination of these purposes, but no such sewage disposal or treatment plant shall be constructed or maintained in any city not in the district, except by consent granted by the unanimous vote of the governing body of the city.

Joint operations

(Added by Stats. 1949, Ch. 1491.)

5543. It may sell, lease, or otherwise dispose of any property of the district or any interest therein whenever it is no longer required for the purposes of the district, or when its use may be permitted without interfering with its use by the district.

Disposal of property

(Added by Stats. 1949, Ch. 1491.)

5544. It may sell, or otherwise dispose of, any water, sewage effluent, fertilizer, or other by-products resulting from the operation of a sewerage system, sewage disposal plant, or treatment plant, and construct, maintain, and operate such pipe lines and other works as may be necessary for that purpose.

By-products

(Added by Stats. 1949, Ch. 1491.)

5545. It may construct, maintain, and operate such pipe lines or other works as may be necessary to conserve and put to beneficial use any water or sewage effluent recovered from the operation of the sewerage system, plant, or works, by sale or disposition for agricultural or industrial purposes, or by discharging or spreading the water or sewage effluent in such a manner as to percolate into the underground gravels and replenish the natural water resources.

Pipe lines, etc.

(Added by Stats. 1949, Ch. 1491.)

5546. It may issue bonds.

Bonds

(Added by Stats. 1949, Ch. 1491.)



Fees,  
charges, etc.

5546.5. It shall fix and collect user taxes, fees, tolls or charges for the use of facilities maintained and operated by the district sufficient in amount to pay principal and interest of bonds and for expenses of the district in maintaining, operating, extending and repairing any work or improvement of the district, and to defray all other expenses incidental to the exercise of any of the district's powers.

Payment

Such charges, in the amount fixed, shall be paid by the user of the facilities, including but not limited to the State, any department, or agency thereof, counties, cities, districts, or any public corporation, and shall constitute a debt owed by such user to the district. The charges fixed for public agencies shall not be higher proportionately than the rates fixed for similar use by other users.

(Added by Stats. 1949, Ch. 1491; amended by Stats. 1951, Ch. 429. Effective May 12, 1951).

Collection

5546.6. It may enter into an agreement with any publicly or privately owned utility furnishing water for domestic purposes for the collection of such user taxes, fees, tolls and charges by such utility, and may include as one of the terms of any such contract a requirement that the water supply of any user shall be shut off in the event of failure or refusal of such user to pay such taxes, fees, tolls, or charges.

(Added by Stats. 1949, Ch. 1491.)

Proration  
of cost

5546.7. Immediately after the completion of any acquisition, construction or improvement under this act, the engineer shall prorate the entire cost thereof against all real property in the district in such manner as may in the opinion of the engineer provide an equitable distribution of costs. In no event shall any owner of property be permitted to connect to such sewerage or water system without first paying or agreeing in writing to pay either in a lump sum or by installments the prorated charge placed against said property by the engineer. All sums paid by property owners who subsequently are permitted to connect with such system shall be available for the payment of any indebtedness incurred in connection with such acquisition, construction or improvement, and in the event there is no such indebtedness, all sums so paid shall be refunded to the owners of property connected with such system in the proportion that the cost against owners of property bears to the entire cost of such acquisition, construction or improvement.

(Added by Stats. 1949, Ch. 1491.)

Tax levy

5547. It may cause to be levied and collected taxes upon all the taxable real property in the district when it determines that the revenue to be derived from all other sources will not be sufficient to meet the obligations evidenced by its bonds, to maintain the works of the district, and to defray all other expenses incidental to the exercise of the district powers.

(Added by Stats. 1949, Ch. 1491.)

Employment  
of sanitary  
engineers

5548. The district board shall, by resolution, employ one or more sanitation engineers to make a survey of the problems

of the district concerning sanitation and especially with reference to the matter of sewage collection, treatment, and disposal. The resolution shall direct the engineer or engineers to prepare and file with the district board of the district a report setting forth:

(a) A general description of existing facilities for sewage collection, treatment, and disposal. Report  
Contents

(b) A general description of the work proposed to be done to carry out the objects of the district.

(c) A general plan and general specifications of the work.

(d) A general description of the property proposed to be acquired or damaged in carrying out the work.

(e) A map showing the boundaries of the district and in general the location of the work proposed to be done, property taken or damaged, and any other information useful to an understanding of the proposed work.

(f) An estimate of the cost of the proposed work.

(Added by Stats. 1949, Ch. 1491.)

5549. The engineer or engineers may, subject to the direction of the district board, employ such surveyors and others as may be necessary to prepare the report. The district board at any time may remove any or all engineers or other persons employed, and may fill all vacancies. Surveyors  
Removal of  
employees

(Added by Stats. 1949, Ch. 1491.)

5550. When the engineers' report is filed the district board shall examine it and may thereupon (a) reject it and direct that a new report be prepared; (b) direct that changes be made in it; or (c) if it complies with the provisions of this chapter and is satisfactory to the board it shall fix a time and place for hearing objections to the report and to doing all or any part of the work referred to in the report. Action on  
report  
Protests

(Added by Stats. 1949, Ch. 1491.)

5551. Notice of the hearing shall be given by the district board by publishing the notice for at least five times in a daily, or twice in a weekly, newspaper circulated in the district, as the district board may direct. At the time and place so fixed, or at the time and place to which the hearing may be from time to time continued, the board shall hear all objections. Notice of  
hearing

(Added by Stats. 1949, Ch. 1491.)

5552. At the conclusion of the hearing the district board shall either order the report changed to conform to some or all the objections made or shall approve and adopt the report as made. If changes in the report are ordered a further hearing shall be had upon it as amended and further hearings shall be had until the district board approves and adopts the report. Adoption of  
report

(Added by Stats. 1949, Ch. 1491.)

5553. The district board may, thereafter, have such portions of the report as are adapted to publication, or a resume, published for free public distribution. Publication

(Added by Stats. 1949, Ch. 1491.)

Superintending of work 5554. The engineers employed by the district board to make the report required by this chapter, or other engineers, shall be directed by the district board to superintend the doing of the work recommended to be done in the report as approved and adopted.

(Added by Stats. 1949, Ch. 1491.)

Work procedure 5555. The work, or any portion of it, may be done in any of the following ways as ordered by the district board:

(a) By purchasing the material and doing the work by day labor not to exceed two thousand dollars (\$2,000).

(b) By purchasing the material and letting a contract for the doing of the work.

(c) By purchasing only a portion or none of the material and letting a contract for furnishing the balance or all of the material and the doing of the work.

(Added by Stats. 1949, Ch. 1491.)

Sealed bids 5556. Any contract for the doing of the work or for the doing of the work and furnishing any or all of the material shall be let to the lowest responsible bidder submitting a sealed bid in response to a notice calling for bids.

(Added by Stats. 1949, Ch. 1491.)

Publication 5557. The notice shall be published once a week for at least two successive weeks in a newspaper circulated in the county and shall refer to detailed plans and specifications covering the work to be done and materials, if any, to be furnished. If the material to be purchased costs over one thousand dollars (\$1,000), and there is no purchasing agent, the material shall be purchased from the lowest responsible bidder.

(Added by Stats. 1949, Ch. 1491.)

Wage standard 5557.1. Wages paid in accordance herewith shall conform to requirements of Section 1771 of the Labor Code.

(Added by Stats. 1949, Ch. 1491.)

Modification of report 5558. Any work recommended to be done in the report approved and adopted by the district board shall be done in conformity with the general plans and specifications contained in the report unless the district board, by a four-fifths vote, adopts a resolution declaring that the public interest requires a modification of or departure from the plans and specifications, which resolution shall contain a statement of the manner in which the modification is required or departure is to be made.

(Added by Stats. 1949, Ch. 1491.)

Land under jurisdiction of State Lands Commission 5558.1. Whenever any land which is under jurisdiction of the State Lands Commission is selected by a district for a right of way, the board thereof must transmit to the State Lands Commission a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the district a permit to use such right of way and lands.

(Added by Stats. 1949, Ch. 1491.)



5559. A right of way in or across any public highway, street, or property in the district is hereby granted to the district wherever the right of way is found by the district board to be necessary or convenient for doing any of the work, except that use of any state highway right of way shall be subject to the provisions of Chapter 3 of Division 1 of the Streets and Highways Code.

(Added by Stats. 1949, Ch. 1491.)

5560. The district board may, by agreement with any city or other public agency, take possession of or acquire by condemnation or in any other manner any sewerage system, or any sewage disposal or treatment plant necessary or convenient to carry out any of the objects of the district, or may acquire by agreement or in any manner the right to use them, and any city or other public agency may enter into such an agreement with a county sanitation district.

A compliance with this chapter is sufficient to authorize such an agreement by either a county sewerage and water district, city, or other public agency entering into such a contract with a county sewerage and water district.

Whenever any sewerage system, or sewage disposal or treatment plant so taken possession of or otherwise acquired was built from the proceeds of a bond issue, the district shall assume and pay out of its funds the outstanding bonds according to their terms, and the principal sum remaining unpaid shall be credited to it and deducted from any sum to be paid by it to the city or public agency.

Funds may be obtained by the districts to pay the principal and interest on the assumed bonds in the manner as is provided for paying the principal and interest on its own bonds.

(Added by Stats. 1949, Ch. 1491.)

5561. Any city or public agency in the district may enter into an agreement with the district for the use, or entire possession and operation, by the district of any sewerage system, or sewage disposal or treatment plant owned or operated by the city or public agency.

(Added by Stats. 1949, Ch. 1491.)

5562. Whenever any area in the district is provided with a sewerage system the governing body of the city in which the area lies may declare the further maintenance or use of cesspools or other local means of sewage disposal to be a public nuisance, and may require all buildings inhabited or used by human beings to be connected with the sewerage system.

(Added by Stats. 1949, Ch. 1491.)

5563. All powers of the district shall be exercised by the district board unless otherwise specified.

(Added by Stats. 1949, Ch. 1491.)

5564. It may borrow money and incur indebtedness and guarantee the performance of its legal or contractual obligations; and also refund or retire any public indebtedness or lien that may exist against the district or any property therein

Rights  
of way

Eminent  
domain

Payment of  
outstanding  
bonds

Acquisition  
of funds

Contracts  
for use of  
system, etc.

Condem-  
nation of  
cesspools,  
etc.

Implied  
powers

Powers

which shall have arisen out of the transaction of the affairs of the district.

(Added by Stats. 1949, Ch. 1491.)

Work  
specifications

5565. Any work recommended to be done in the report approved and adopted by the district board shall be done in conformity with the general plans and specifications contained in the report unless the district board, by a four-fifths vote, adopts a resolution declaring that the public interest requires a modification of or departure from the plans and specifications, which resolution shall contain a statement of the manner in which the modification is required or departure is to be made.

(Added by Stats. 1951, Ch. 1648. Effective July 23, 1951.)

#### Article 4.5. Application of Other Statutes

(Article 4.5 added by Stats. 1949, Ch. 1491)

Special  
assessment

5570. Except as to state highways where the State Highway Engineer refuses to issue a permit, with the consent of the legislative body having jurisdiction of the territory within which it is proposed so to do, expressed by resolution of such governing body, the board of any district may order the construction of sewers and appurtenances in the whole or any portion of any of the streets, highways, or public places of the district, or in property or in rights of way owned by the district, and acquire or construct trunk and collection lines and laterals, sewage disposal and treatment plants, and acquire rights of way, and easements therefor, and may provide that the cost shall be assessed upon the fronting lots and lands or upon a special district.

(Added by Stats. 1949, Ch. 1491.)

Applicable  
statutes

5571. The Improvement Act of 1911, the Street Opening Act of 1903, and the Improvement Bond Act of 1915 are applicable to districts.

(Added by Stats. 1949, Ch. 1491.)

Definitions

5572. In the application of those acts to proceedings under this article the terms used in those acts shall have the following meanings:

- (a) "City council," and "council," mean board.
- (b) "City," and "municipality," mean district.
- (c) "Clerk," and "city clerk," mean secretary.
- (d) "Superintendent of streets," "street superintendent," and "city engineer," mean the engineer of the district, or any other person appointed to perform such duties.
- (e) "Tax collector," means county tax collector.
- (f) "Treasurer," and "city treasurer," mean any person or official who has charge of and makes payment of the funds of the district.

(g) "Right of way," means any parcel of land through which a right of way has been granted to the district for the purpose of constructing and maintaining a sewer.

(Added by Stats. 1949, Ch. 1491.)

5573. The powers and duties conferred by those acts and supplementary acts upon boards, officers, and agents of cities shall be exercised by the respective boards, officers, and agents of the district. Exercise of powers

(Added by Stats. 1949, Ch. 1491.)

5574. The improvements authorized to be constructed or acquired under this article are restricted to those permitted to be constructed or acquired by such districts under Article 4 of this chapter. Limitation

(Added by Stats. 1949, Ch. 1491.)

5575. No assessment or bond hereafter levied or issued shall become a lien and no person shall be deemed to have notice thereof until a certified copy of said assessment and the diagram thereto attached shall be recorded in the office of the county surveyor if the improvement district or any part thereof is in unincorporated territory and with the superintendent of streets of the city or cities if the improvement district or any part thereof is in incorporated territory. Lien

(Added by Stats. 1949, Ch. 1491.)

## Article 5. Bonds

(Article 5 added by Stats. 1949, Ch. 1491)

5580. After the approval and adoption of an engineers' report the district board shall submit to the voters of the district the proposition of incurring a bonded indebtedness to obtain funds with which to acquire the property and do the work set forth in the report. For that purpose a special election shall be called by resolution. Bond election

(Added by Stats. 1949, Ch. 1491.)

5581. The resolution shall state all of the following: Resolution

(a) The general objects and purposes for which it is proposed to incur an indebtedness.

(b) A reference to the report filed with the district board for particulars.

(c) The type of bonds proposed to be issued, whether revenue bonds or general obligation bonds.

(d) The amount of the bonds proposed to be issued.

(e) The rate of interest or a maximum rate of interest to be paid, which rate shall not be more than the rate specified in this chapter, payable at the times specified in this chapter.

(f) The date of the election.

(g) The election precincts, polling places, and election officers.

(Added by Stats. 1949, Ch. 1491; amended by Stats. 1951, Ch. 1648. Effective July 23, 1951.)

5582. For the purposes of the bond election the district board may consolidate into one precinct several precincts established for general election purposes and describe the precinct by reference to the general election precincts. Precincts

(Added by Stats. 1949, Ch. 1491.)



Election board	5583. An election board consisting of one inspector, one judge, and one clerk shall be appointed by the district board for each precinct. (Added by Stats. 1949, Ch. 1491.)
Voters	5584. Only voters registered in the district are eligible to vote at the bond election. (Added by Stats. 1949, Ch. 1491.)
Notice	5585. The resolution calling the election shall be published once a week for three successive weeks in a newspaper having a general circulation in the district and designated by the district board. No other notice of the election need be given. (Added by Stats. 1949, Ch. 1491.)
Two-thirds vote	5586. If two-thirds of the votes cast are in favor of incurring the bonded indebtedness as proposed, bonds of the district for the amount stated in the resolution calling the election shall be issued and sold. (Added by Stats. 1949, Ch. 1491.)
Validity of bonds	5587. The validity of the bonds after their issuance shall not be questioned in any court except upon the ground that the provisions of this chapter authorizing their issuance are unconstitutional, or that the required hearing regarding the formation of the district was not legally held or proper notice of it was not given. (Added by Stats. 1949, Ch. 1491.)
Form of bonds Payment	5588. The district board shall prescribe by resolution the form of the bonds, and interest coupons. The bonds shall be payable substantially in the manner determined by the district board, and at a place to be fixed by the board, and designated in the bonds, together with interest on all sums unpaid on that date until the whole of the indebtedness has been paid. (Added by Stats. 1949, Ch. 1491; amended by Stats. 1951, Ch. 1648. Effective July 23, 1951.)
Denomination	5589. The bonds shall be issued in such denominations as the district board determines, except that no bonds shall be of a denomination less than one hundred dollars (\$100) or greater than one thousand dollars (\$1,000). They shall be payable on the day and at the place fixed in the bonds, and with interest at the rate specified in the bonds, which rate shall not be in excess of 6 percent per annum, and shall, after the first year, be payable semiannually. (Added by Stats. 1949, Ch. 1491.)
Interest	
Signatures	5590. The bonds shall be signed by the chairman of the district board, and countersigned by the auditor of the district, and the seal of the district board shall be affixed. The interest coupons of the bonds shall be numbered consecutively and signed by the auditor of the district by his engraved or lithographed signature. (Added by Stats. 1949, Ch. 1491.)
Coupons	
Signatures	5591. If any officer whose signature or countersignature appears on the bonds ceases to be an officer before the delivery of the bonds to the purchaser, his signature or countersignature

shall be as valid as if he had remained in office until the delivery of the bonds.

(Added by Stats. 1949, Ch. 1491.)

5592. The board may issue and sell the bonds of the district at not less than par value, and the proceeds shall be placed in the treasury of the county. Sale of bonds

All premiums and accrued interest received shall be paid into the fund to be used for the payment of principal and interest on the bonds and the remainder of the proceeds of the sale shall be paid into the construction fund of the district, and proper records of the transactions shall be placed upon the books of the treasurer. Proceeds

(Added by Stats. 1949, Ch. 1491.)

5593. The construction fund shall be applied exclusively to the purposes and objects mentioned in the resolution calling the bond election. Construction fund

Payments from the construction fund shall be made upon demands allowed by the district board, and prepared, presented, and audited in the same manner as demands upon the funds of the county.

(Added by Stats. 1949, Ch. 1491.)

5594. If the proposition of issuing bonds submitted at a bond election fails to receive the requisite number of votes, the district board may, at the expiration of six months after that election, call or order another bond election, either for the same objects and purposes, or for any other object or purpose of the district. Resubmission of proposition

(Added by Stats. 1949, Ch. 1491.)

5595. If bonds have been issued by the district and the proceeds of the sale have been expended, and the district board by resolution passed by a vote of four-fifths of all its members determines that the public interest or necessity of the district demands the issuance of additional bonds for carrying out any of the objects of the district, the district board may again have a report made, and submit to the voters the question of issuing additional bonds in the same manner as for a first issue. All the provisions of this chapter for the issuance and sale of bonds, and for the expenditure of the proceeds apply to the issuance of additional bonds. Additional bonds

(Added by Stats. 1949, Ch. 1491.)

5596. If any or all of the principal of any bonds is made payable only from revenue, the board shall cause a brief statement of the limitations upon the payment of principal or portion thereof to be set forth in the bonds. Statement of limitations

(Added by Stats. 1949, Ch. 1491.)

5597. If the limitations affect the payment of the interest of the bonds or any part thereof, a brief statement of the limitations shall be set forth in the interest coupons representing the interest and also in the bonds to which the interest coupons are appurtenant. Same

(Added by Stats. 1949, Ch. 1491.)

**Tax exemption** 5598. Bonds issued by a district organized under this chapter and the interest on such bonds shall not be taxable in this State.

(Added by Stats. 1949, Ch. 1491.)

**Liability for payment** 5599. If any board provides that the principal or interest or both of any bonds or any portion of the principal or interest or both shall be payable solely from designated revenue, neither the district nor any officer thereof shall be held for payment otherwise.

(Added by Stats. 1949, Ch. 1491.)

**Use of proceeds** 5600. It is not the intention of this chapter that other than main trunk lines of the sewerage system of the district shall be constructed from the proceeds of the sale of bonds of the district, but that the lateral and collecting lines shall be constructed and paid for by the county, cities, or other public agencies or districts that by law are authorized to construct the lateral and collecting lines and provide for their payment. The determination by the district board of what are main trunk lines is final.

(Added by Stats. 1949, Ch. 1491.)

**Lateral or connecting lines** 5601. Connection of lateral or collecting lines to the main trunk line shall be made at points and in the manner to be directed by the engineer of the district under instructions from the district board, subject to such terms and conditions as the district board may prescribe.

(Added by Stats. 1949, Ch. 1491.)

**Bonds payable subsequent to collection of second tax installment** 5602. Bonds may be made payable on a date subsequent to the time fixed for the collection of the second installment of general district taxes with which the first levy of taxes for the payment of the principal and interest of said bonds is to be collected. In such event, the first interest coupons shall be for interest from the date of said bonds of such issue or series or division to the maturity date of said coupons.

(Added by Stats. 1951, Ch. 1648. Effective July 23, 1951.)

**Proceedings to determine right to issue and validity** 5603. If the result of any election upon the question of the issuance of bonds is in favor of issuance, the board may, in its discretion, commence in the superior court of the county, a special proceeding to determine its right to issue the bonds and their validity, similar to the proceeding in relation to irrigation bonds, provided for by the "Irrigation District Law," and all supplementary acts, and all their provisions apply to and govern the proceedings to be commenced by the board, so far as applicable.

**Judgment** The judgment has the same effect as a judgment in relation to irrigation bonds under the provisions of that act.

(Added by Stats. 1951, Ch. 1648. Effective July 23, 1951.)

## Article 6. Finance and Taxation

(Article 6 added by Stats. 1949, Ch. 1491)

**Charges** 5606. Any district shall in lieu in whole or in part of levying assessments fix and collect charges for any service furnished by the district.

(Added by Stats. 1949, Ch. 1491.)



5607. A district may charge higher rates for the service furnished to any land that is not subject to assessment by the district than is charged other land in the district for similar service. Special rates

(Added by Stats. 1949, Ch. 1491.)

5608. Whenever any charges provided for by this chapter have been fixed, they may be made payable in advance. Payable in advance

(Added by Stats. 1949, Ch. 1491.)

5609. The charges collected by the district from users of the services of the district shall be paid into the county treasury to the credit of the district and shall be available for the payment of the principal and interest of bonds, and for expenses of the district in maintaining, operating, extending and repairing any work or improvements of the district, and to defray all other expenses incidental to the exercise of any of the districts' powers. Use of funds

(Added by Stats. 1949, Ch. 1491.)

5610. Annually, at least fifteen days before the first day of the month in which the board of supervisors of the county in which the district is located is required by law to levy the amount of taxes required by law for county purposes, the district board shall furnish to the board of supervisors a written statement of the amount necessary in addition to the anticipated revenue from all other sources to pay the interest on bonds for that year, and the portion of the principal that is to become due before the time for making the next general tax levy. Statement of amount

(Added by Stats. 1949, Ch. 1491.)

5611. The board of supervisors of the county shall annually, at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable real property in the district, based upon the assessed value thereof established by the last equalized assessment roll of the county sufficient to pay the amount as found by the district board to be required in addition to anticipated revenues from all other sources to pay the interest on the bonds for that year and such portion of the principal as is to become due before the time for making the next general tax levy. Tax levy

(Added by Stats. 1949, Ch. 1491.)

5612. If the district board fails to furnish to the board of supervisors the written statement of the amount necessary pursuant to Section 5610 the board of supervisors of the county shall ascertain such amount and shall levy and cause to be collected the necessary amount. Lack of statement

(Added by Stats. 1949, Ch. 1491.)

5613. The tax shall be collected at the same time and in the same manner as the general tax levy for county purposes, and when collected shall be paid into the treasury of the county to the credit of the district, and shall be used for the payment of the principal and interest upon bonds, and for no other purpose. Tax collection

(Added by Stats. 1949, Ch. 1491.)

Payment  
of bonds

5614. The principal and interest on the bonds shall be paid by the treasurer of the county in the manner now or hereafter provided by law for the payment of principal and interest on the bonds of the county.

(Added by Stats. 1949, Ch. 1491.)

Statement  
of amount  
needed for  
expenses

5615. In any year, at least fifteen days before the first day of the month in which the board of supervisors of the county in which the district is located, is required by law to levy the amount of taxes required by law for county purposes, the district board may furnish to the board of supervisors a written statement of the amount necessary in addition to the anticipated revenue from all other sources to maintain, operate, extend, or repair any work or improvements of the district, and to defray all other expenses incidental to the exercise of any of the district's powers, and the board of supervisors of the county shall at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable real property in the district, based upon the assessed value thereof established by the last equalized assessment roll of the county sufficient to pay the cost of maintaining, operating, extending, or repairing any work or improvements of the district and of defraying all other expenses incidental to the exercise of any of the district's powers.

(Added by Stats. 1949, Ch. 1491.)

Tax  
collection

5616. The tax shall be levied and collected at the same time and in the same manner as the general tax levy for county purposes, and the revenue derived from the tax shall be paid into the county treasury to the credit of the operating fund of the district, and the district board shall control and order its expenditure.

(Added by Stats. 1949, Ch. 1491.)

Operating  
fund

5617. Payments from the operating fund shall be made upon demands allowed by the district board, and prepared, presented, and audited in the same manner as demands upon the funds of the county.

(Added by Stats. 1949, Ch. 1491.)

Cost of  
engineer's  
report

5618. The cost of preparing the engineer's report, including the compensation paid engineers and other employees of the district, is a charge against the district and shall be paid from the first available funds of the district.

(Added by Stats. 1949, Ch. 1491.)

## Article 7. Annexation

(Article 7 added by Stats. 1949, Ch. 1491)

Type of  
territory

5630. Territory, whether incorporated or unincorporated, contiguous to a district, and not included in any other county sewerage and water district or other district formed for similar purposes, may be annexed, if the board of supervisors finds and determines that the additional territory will be benefited by annexation.

(Added by Stats. 1949, Ch. 1491.)

5631. For the purpose of annexing territory to a district the board of supervisors shall proceed in the same manner as for the formation of a district in the first instance; except that wherever it is required to set forth the boundaries of the proposed district there shall instead be set forth the boundaries of the territory proposed to be annexed and wherever protests are called for or authorized or an election is to be held, the provisions relating thereto shall refer only to the territory proposed to be annexed. Procedure

The district board shall before such annexation is completed, by resolution, find and declare that the district will be benefited by the annexation of the territory and consent to its annexation.

(Added by Stats. 1949, Ch. 1491.)

5632. Whenever any territory is annexed to a district it thereupon becomes a part of the district and is subject to all the liabilities and entitled to all the benefits of the district. Effect of annexation

(Added by Stats. 1949, Ch. 1491.)

### Article 8. Joint Operation

(Article 8 added by Stats. 1949, Ch. 1491)

5640. Whenever two or more districts whether organized under this chapter or under any other law of this State find and declare by resolution adopted by their respective district boards that it is for the interest or advantage of the districts to do so, the districts by their respective district boards may enter into an agreement for the maintenance of a centralized and joint administrative organization to care for the general administration of the affairs of each of the districts, and the construction, supervision, operation, and maintenance of the work of each of the districts, and for that purpose the districts may agree to employ the same engineers, surveyors, counsel, and other persons needed to carry out the purposes of the districts. Joint operation by districts

Such agreement may also provide for participation by said districts in the State Employees' Retirement System of the State of California and for the payment of apportionments of costs and the collection, receipt and distribution of pension payments by one district designated for the purpose and acting on behalf of all districts participating in the agreement in the same manner as provided by Sections 5641 and 5642 of this code. When the agreement so provides, the designated district shall have all the powers and perform all the duties of a public agency for the purposes of the State Employees' Retirement Law, both in respect to the joint officers and employees of the participating districts and in respect to the officers and employees separately employed by the participating districts.

(Added by Stats. 1949, Ch. 1491.)

5641. The agreement shall specify the proportionate amount to be paid by each district toward the costs and expenses of the organization and the salaries, wages, or other compensation of all persons employed jointly by the districts. Agreement

(Added by Stats. 1949, Ch. 1491.)



## Expenses

5642. For the purpose of facilitating the payment of the joint costs, expenses, salaries, wages, or other compensation, the agreement may also provide for the payment by each district of its proportionate share of the costs, expenses, salaries, wages, or other compensation, into the funds of any one of the districts which may be designated for the purpose, and the designated district shall thereafter pay all the costs, expenses, salaries, wages, or other compensation incurred by, or to be paid in connection with the maintenance of the joint organization.  
(Added by Stats. 1949, Ch. 1491.)

## Article 8a. Withdrawal of City

(Article 8a added by Stats. 1949, Ch. 1491)

Withdrawal  
of city from  
district

5645.05. A city may withdraw from a district when all of the following conditions exist:

(a) The district has been in existence for more than ten years;

(b) The district has no indebtedness evidenced by bonds or otherwise, exclusive of indebtedness or expense, if any, previously incurred under Sections 5615, 5616, 5617, 5548, or 5549; and in event such indebtedness or expense is outstanding and owing on the date of the election herein authorized, the property within any territory withdrawing from the district shall nevertheless be liable for assessment and payment of the tax for its pro rata share thereof;

(c) An election has been held on the question whether a bonded indebtedness should be incurred by the district, which proposition has failed at an election to receive the number of votes required to authorize the issuance of bonds.

(Added by Stats. 1949, Ch. 1491.)

## Vote

5645.06. The withdrawal shall be effected by the vote of a majority of the qualified electors of the city voting at an election on the proposition to withdraw.

(Added by Stats. 1949, Ch. 1491.)

Call or  
conduct of  
election

5645.07. The election may be called and conducted by the district board upon its own motion, and shall be called and conducted upon presentation to it of a petition signed by not less than twenty-five percent (25%) of the qualified electors residing in the city.

(Added by Stats. 1949, Ch. 1491.)

## Same

5645.08. The election shall be called within thirty (30) days after such petition is presented and conducted in the same manner as other elections of the district, except that the resolution calling the election shall be published in a newspaper having a general circulation in the city.

(Added by Stats. 1949, Ch. 1491.)

## Canvass

5645.09. The district board shall canvass the returns of the election within thirty days after the election, and if a majority of the votes cast are in favor of the proposition to withdraw from the district, then it shall so find and declare, and thereupon the territory shall no longer be a part of the district.

(Added by Stats. 1949, Ch. 1491.)

5645.1. A certified copy of the resolution shall, within fifteen days after its adoption, be filed with the clerk of the board of supervisors of the county in which the district is situated. Resolution of withdrawal

(Added by Stats. 1949, Ch. 1491.)

5645.11. If the withdrawal of the city results in less than three members remaining on the district board, the vacancy shall be filled in accordance with the provisions of this chapter for changes in the membership of the district board. Vacancies on board

(Added by Stats. 1949, Ch. 1491.)

5645.12. In the event of the withdrawal of a city, the disposition of the property of the district lying within the city, and of the debts and funds of the district, shall be as provided in the article of this chapter on dissolution. Property

(Added by Stats. 1949, Ch. 1491.)

5645.13. The territory within the city so withdrawing from the district shall not thereafter become a part of the same or any other county sewerage and water district unless the question of annexation or inclusion within the district is approved by a majority of the qualified electors of the city, voting at an election on the proposition of annexation or inclusion. Election to join new district

(Added by Stats. 1949, Ch. 1491.)

## Article 8b. Withdrawal of Unincorporated Territory

(Article 8b added by Stats. 1949, Ch. 1491)

5645.20. All or any portion of the unincorporated territory within a district, or all or any portion of territory within a district which territory was, subsequent to the formation of the district, annexed to a city, may be withdrawn from the district when all of the following conditions exist: Withdrawal of unincorporated territory from district

(a) The district has been in existence for at least one year;

(b) In the event the district has indebtedness evidenced by bonds and the indebtedness is outstanding and owing either on the date of the election or upon receipt of the verified petition by the board of supervisors, the property within any territory withdrawing from the district shall nevertheless be liable for assessment and payment of the tax for its pro rata share thereof.

Provided, however, that no portion of a city shall be withdrawn from a sanitation district under the provisions of this article if such city is in its entirety within one or more sanitation districts.

(Added by Stats. 1949, Ch. 1491.)

5645.21. The withdrawal may either be effected by the vote of majority of the qualified electors of the territory seeking to withdraw voting at an election on the proposition to withdraw, in which case the election procedure as hereafter provided in Sections 5645.22 to and including Section 5645.28 shall be followed, or by verified petition presented to the board of supervisors in the manner as hereafter provided in Sections 5645.31 to and including Section 5645.34. Election

(Added by Stats. 1949, Ch. 1491.)

**Petition** 5645.22. The election shall be called and conducted by the board of directors of the district whenever a petition signed by twenty-five percent (25%) of the qualified electors residing in the territory seeking to withdraw, is presented to the board. The petition shall describe the exterior boundaries of the unincorporated territory seeking to withdraw, and request that an election shall be called and conducted on the proposition to withdraw.

(Added by Stats. 1949, Ch. 1491.)

**Conduct of election** 5645.23. The election then shall be called and conducted in the same manner as other elections of the district except that the resolution calling the election shall be published in a newspaper having a general circulation within the territory seeking to withdraw.

(Added by Stats. 1949, Ch. 1491.)

**Canvass** 5645.24. The board of directors shall canvass the returns of the election within thirty days after the election, and if a majority of the votes cast are in favor of the proposition to withdraw from the district, then the board shall so find and declare, and thereupon the territory no longer shall be a part of the district.

(Added by Stats. 1949, Ch. 1491.)

**Resolution of withdrawal** 5645.25. A certified copy of the resolution shall be filed with the clerk of the board of supervisors of the county in which the district is situated, within fifteen days after the resolution is adopted.

(Added by Stats. 1949, Ch. 1491.)

**Election to join new district** 5645.28. The unincorporated territory shall not thereafter become a part of the same or any other county sanitation district unless the question of annexation or inclusion within a district is approved by a majority of the qualified electors of the territory so withdrawing, voting at an election on the proposition of annexation or inclusion.

(Added by Stats. 1949, Ch. 1491.)

**Verified petition** 5645.31. A verified petition signed by the owners of real property in the portion to be excluded, said owners owning more than fifty percent (50%) in value of the assessed real property, shall be presented to the board of supervisors of the county within which the district is located. Said petition shall contain the following:

(a) A legal description of the area to be withdrawn together with a map thereof;

(b) The amount of indebtedness of a district presently outstanding, if any;

(c) Factual data establishing that the exclusion will not interfere with the operation of the sewage system in the balance of the district;

(d) A statement by the county assessor of said county that the petition appears to be signed by the owners of more than 50 percent of value of the assessed real property of the area described in the petition as appears from the current assess-



ment roll of the county or city within which the area to be withdrawn is situated.

(Added by Stats. 1949, Ch. 1491.)

5645.32. Upon receipt of such petition, the board of super- Hearing  
visors shall set the same for hearing on a day not less than  
twenty days nor more than thirty-five days thereafter. The clerk  
of the board of supervisors shall cause a notice of the hearing,  
which shall contain a description of the property to be excluded,  
to be published once prior to the date fixed for such hearing,  
in a newspaper of general circulation circulated within the  
district and within the area proposed to be withdrawn which  
the board deems most likely to give notice to the inhabitants  
thereof.

(Added by Stats. 1949, Ch. 1491.)

5645.33. The board of directors of the county sanitation Report  
district in which the area proposed to be excluded is situated  
shall report in writing to the board of supervisors at the time  
set for the public hearing as to the extent of the district, indebt-  
edness, present obligations, and the effect of such exclusion  
upon the operation of its sewage system.

(Added by Stats. 1949, Ch. 1491.)

5645.34. At the time designated, the board of supervisors Withdrawal  
of territory  
shall hear the petition and any person interested and may  
adjourn the hearing from time to time not to exceed sixty days.  
The board of supervisors, if it finds that the portion of the  
district sought to be withdrawn will not be benefited by remain-  
ing in the district, and that the territory not sought to be with-  
drawn will be benefited by continuing as a district, may upon  
the conclusion of final hearing upon said petition, grant such  
withdrawal, describing the area withdrawn, from the district;  
and subject to Sections 54900 to 54903, inclusive, of the Govern-  
ment Code said portion thereafter is no longer a portion of  
the district for any purpose, except that in the event district Indebtedness  
indebtedness or district expense is outstanding and owing on  
the date of the order granting said exclusion, the property  
within any territory so excluded from the district shall never-  
theless remain liable for assessment and payment of the tax  
for its prorata share thereof until the extinguishment of said  
indebtedness or expense.

(Added by Stats. 1949, Ch. 1491.)

## Article 9. Dissolution

(Article 9 added by Stats. 1949, Ch. 1491)

5650. A district having no bonded indebtedness may be Election  
dissolved upon the vote of a majority of its voters upon an elec-  
tion called by the district board upon that question. Before  
dissolution all legal indebtedness of the district shall first be  
paid and discharged.

(Added by Stats. 1949, Ch. 1491.)

5651. The election on the question of dissolution shall be Conduct of  
election  
called and conducted in the same manner as other elections of

the district, and the district board shall canvass the returns of the election within thirty days after the election.

(Added by Stats. 1949, Ch. 1491.)

Resolution

5652. If a majority of the votes cast are in favor of dissolution of the district, the district board shall by resolution so find, and declare the district dissolved, and thereupon the district is dissolved.

(Added by Stats. 1949, Ch. 1491.)

Certified copy

5653. A certified copy of the resolution shall, within fifteen days after its adoption, be filed with the clerk of the board of supervisors of the county in which the district is situated.

(Added by Stats. 1949, Ch. 1491.)

Property

5654. Upon the dissolution of any district the property of the district lying within the corporate limits of any city vests absolutely in the city, and the property of the district lying without the corporate limits of any incorporated city vests absolutely in the county in which the district is situated.

(Added by Stats. 1949, Ch. 1491.)

Remaining indebtedness

5655. If after the dissolution of the district it is found that through oversight or error there remains a legal indebtedness of the district, the board of supervisors of the county shall levy a tax upon the taxable real property within the boundaries of the district as it existed at the time of dissolution, sufficient to meet the indebtedness and interest thereon, if any, and pay it.

(Added by Stats. 1949, Ch. 1491.)

Funds

5656. Any funds belonging to the district at the time of dissolution shall be transferred to the cities and the county, as the case may be, in proportion to the assessed valuation of the taxable real property in the cities and county respectively, as it appears on the last equalized assessment roll of the county prior to the dissolution.

(Added by Stats. 1949, Ch. 1491.)

## CHAPTER 9. JOINT MUNICIPAL SEWAGE DISPOSAL DISTRICT ACT

(Chapter 9 added by Stats. 1951, Ch. 439, as part of codification)

### Article 1. General Provisions

(Article 1 added by Stats. 1951, Ch. 439, as part of codification)

Short title

5700. This chapter may be cited as the Joint Municipal Sewage Disposal District Act.

Definitions

5700.01. Unless the provision or context otherwise requires, definitions contained in this article govern the construction of this chapter.

"District"

5700.02. "District" means joint municipal sewage disposal district, organized, or proposed to be organized, pursuant to this chapter.

"County"

5700.03. "County" includes city and county.

"District board"

5700.04. "District board" means the board of directors of a district.

5700.05. "Clerk" means the clerk or secretary of the "Clerk" legislative body of any city.

5700.06. "Legislative body" includes a city council, board, commission, or other governing body having charge of the government and affairs of a city. "Legislative body"

5700.07. "Member" means a member of the district board appointed pursuant to this chapter. "Member"

5700.08. "Industrial wastes" are the liquid wastes from usual industrial processes. "Industrial wastes"

5700.09. "Mayor" means the mayor, president, chairman, or other presiding officer of the legislative body of a city. "Mayor"

5700.10. "Construction" includes acquisition, reconstruction, and enlargement. "Construction"

5700.11. "City" includes, in addition to any city organized under a freeholders' charter or under general law: "City"

(a) Any county sanitation district, sanitary district, sewer maintenance district, sewer district.

(b) Any governmental agency governed by a legislative body other than a city council or a board of supervisors which maintains or operates sewers or other facilities for the collection and disposal of sewage.

5700.12. "Intercepting sewer" means only the sewer and appurtenances that as of September 13, 1941, were not, or will not be, required by any municipality or county within the district, if it continues to dispose of sewage and industrial wastes by discharging them without treatment into any of the natural waters of the State. "Intercepting sewer"

5700.13. "Sewage system" means all, or any of the following: "Sewage system"

(a) Sewage treatment plants.

(b) Sewage treatment works.

(c) Intercepting sewers.

(d) Outfall sewers.

(e) Force mains.

(f) Pumping plants or stations.

(g) Appurtenances, useful or convenient for the interception, treatment, purification, or disposal of sewage and industrial wastes.

(h) All necessary lands and rights of way.

5700.14. "Affected county" means any county which lies wholly or partially within a district, and "affected city" means any city which lies wholly or partially within a district. "Affected county"

5700.15. "Initiating body" means the legislative body of the city or county initiating a proceeding to create a district. "Initiating body"

5700.16. "Initiating resolution" or "initiating ordinance" means the resolution or ordinance passed by the initiating body proposing creation of the district. "Initiating resolution"

5700.17. "Adopting body" means the legislative body of any city or county, other than the initiating body, named in the initiating ordinance. "Adopting body"



"Adopting ordinance"	5700.18. "Adopting ordinance" means the ordinance passed by the adopting body which approves or rejects the initiating ordinance.
"District election"	5700.19. "District election" means an election for the submission of a proposition to the qualified voters in the district, pursuant to this chapter.
Publication	5700.20. Unless otherwise specified, publication required by this chapter shall be made in a newspaper of general circulation printed, published, or circulated in the district, or if no such newspaper exists, in a newspaper of general circulation printed, published, or circulated in an affected county. If there are no such newspapers in the district or an affected county, publication shall be made by posting in three public places in the district for not less than 10 succeeding days.
Applicability of other statutes	5700.21. Sections 4200 to 4208, inclusive, Government Code, and 1184(e) Code of Civil Procedure, are applicable to the construction of sewage systems pursuant to this chapter.
Contests	5700.22. If any proceedings for the issuance of any type of revenue bonds are legally contested, the court, in inquiring into the regularity, illegality, or correctness of the proceedings, or the validity of issuance of the revenue bonds, shall disregard any error which does not affect the substantial rights of the parties to the contest. In the absence of any such error, revenue bonds issued under any proceeding attempted to be taken pursuant to this chapter shall be conclusive evidence of their validity and of all proceedings for their issuance.
Bonds as evidence	

## Article 2. Organization of the District

(Article 2 added by Stats. 1951, Ch. 439, as part of codification)

Purpose	5710. A district may be organized for the purpose of constructing a sewage disposal system.
Composition	5710.01. A district may be composed of: <ol style="list-style-type: none"> <li>Two or more cities.</li> <li>Any portion of two or more cities.</li> <li>One or more cities and unincorporated territory.</li> <li>Any portion of one or more cities and unincorporated territory.</li> </ol>
Restrictions	5710.02. The district shall not be organized to include territory in more than one county, but the territory of any affected city or county need not be contiguous.
District powers, etc.	5710.03. A district organized shall be governed, maintained, and operated pursuant to this chapter, and has the powers granted by this chapter and the powers necessary and proper to carry out the purposes of the sewage district.
Ordinance proposing creation:	5710.04. The legislative body of any city or of any county may initiate proceedings proposing the creation of a district by the adoption of an ordinance reciting:
Contents	<ol style="list-style-type: none"> <li>That public interest or necessity requires the creation of a district for the treatment, purification, or disposal of sewage and industrial wastes originating within the district.</li> <li>The name of the county and cities, all or part of which will be within the district.</li> </ol>

(c) A description of the exterior boundaries of the district.  
 (d) A general description of the sewage system to be constructed.

(e) The name of the district.

(f) The time and place a public hearing will be held to hear objections to the adoption of the ordinance.

5710.05. Immediately upon the final adoption of the initiating ordinance the clerk of the initiating body shall transmit a certified copy of the ordinance to each adopting body. Transmittal of copies

5710.06. Upon receipt of the certified copy, each adopting body shall consider the advisability of organizing a district as proposed in the ordinance, and shall each adopt an ordinance either rejecting or approving the proposal. Action on ordinance

5710.07. Failure of an adopting body to finally adopt an ordinance within 90 days after receipt of the copy of the initiating ordinance shall be conclusively deemed a rejection of the proposal. Rejection:

5710.08. After adoption the clerk of the adopting body shall immediately transmit a certified copy of the adopting ordinance to the initiating body. Transmittal of copies

5710.09. If the initiating body receives a certified copy of an adopting ordinance from each adopting body, approving the initiating ordinance, it shall adopt a resolution declaring the district created. Resolution of establishment:

5710.10. In the resolution the initiating body shall set forth:

(a) The exterior boundaries of the district exactly as they are set forth in the initiating ordinance. Contents

(b) The name of each city and the county named in the ordinance.

(c) The name of the district.

5710.11. The clerk of the initiating body shall immediately transmit a certified copy of the resolution creating the district to the Secretary of State who shall file it. Upon filing, the district has the powers granted in this chapter and constitutes a public corporation under the name set forth in the resolution. Transmittal of copies

### Article 3. Creation of a District by Election

(Article 3 added by Stats. 1951, Ch. 439, as part of codification)

5720. The procedure provided in this article for the creation of a district is alternative to that provided by Article 2. Alternative procedure

5720.01. A district may be created when the initiating body passes an initiating resolution reciting the matters required by Section 5710.04 except that subdivision (f) shall be omitted. Initiating resolution

5720.02. A certified copy of the initiating resolution shall be filed with the board of supervisors of the affected county. Filing of copy

5720.03. Instead of the initiating resolution, a petition may be presented to the board of supervisors of the affected county requesting it to call an election to determine whether a district shall be created. The petition shall be signed by qualified Petition:

electors within the district boundaries, equal in number to at least 10 percent of the total vote cast at the last general state election within the territory proposed to be included in the district.

## Contents

5720.04. The petition shall contain substantially the same matters required by Section 5720.01, and declare that in the opinion of the petitioners public interest or necessity demands the creation of a district.

## Separate papers

5720.05. The petition may be on separate papers, but each paper shall contain the affidavit of the party who circulated it certifying that each signature is the true name of the person who signed it.

## Sufficiency

5720.06. The county clerk shall compare the signatures with the affidavit of registration and certify the sufficiency or insufficiency of the petition. If the petition is insufficient its proponents may have 60 days after the date of the clerk's certificate to file a supplemental petition. The clerk shall compare the supplemental petition and certify the sufficiency or insufficiency of the petition and supplemental petition.

## Notice of hearing

5720.07. Within 60 days after receipt of a certified copy of the initiating resolution, or of the certificate of the county clerk that the petition, or petition and supplemental petition, contains the required number of signatures, the board of supervisors shall fix a time and place for a hearing on the proposed creation of the district. Notice of the hearing shall be published once. The time fixed for the hearing shall be not less than 30 nor more than 60 days after the date of publication or the first date of posting.

## Hearing

5720.08. At or before the hearing, any person interested may make written objections to the creation of the district or to the inclusion of his property. The objections shall be filed with the clerk of the board of supervisors, and the board of supervisors shall hear and determine them at the hearing. The board of supervisors may adjourn the hearing from time to time without further notice, but an order shall be entered upon the minutes of its meeting fixing the time and place of adjournment.

## Approval

5720.09. If objections are not filed, or if the objections filed are overruled, the board of supervisors shall immediately approve the creation of the district by resolution. It may approve the creation either as originally described, or, with or without the filing of any objection and on its own motion, may revise by reducing or enlarging the boundaries of the district.

## Notice of intention

5720.10. The board of supervisors shall not approve the creation of a district containing territory not included in the initial proceedings for the formation of such district until notice of its intention to include the additional territory has been published for the time and in the manner provided in Section 5720.07, and a hearing is had pursuant to the notice.

## Election notice

5720.11. After the board of supervisors has approved the creation of the district, it shall call and give notice of an election to be held within the district for the purpose of determining whether the district shall be created. The notice shall state the



name of the district and describe its boundaries. The notice shall be published at least once.

5720.12. In addition to the instructions required by law, Ballot the ballot for the election shall contain the following:

“Shall the----- (giving the name thereof) Joint Municipal Sewage Disposal District be created and established:

Yes:-----

No:-----”

5720.13. The board of supervisors shall meet on the Monday following the election and canvass the votes cast. It shall canvass separately the returns of each city and each parcel of unincorporated territory. If a majority of those voting on the proposition of creating the district in each city or parcel of unincorporated territory is in favor of the creation of the district, the board of supervisors shall by resolution declare the district created. Canvass of votes

5720.14. The clerk of the board of supervisors shall immediately transmit a certified copy of the resolution creating the district to the Secretary of State who shall file it. Upon filing, the district has the powers granted in this chapter and constitutes a public corporation under the name set forth in the resolution. Filing resolution

5720.15. The board of supervisors calling the election shall make all provisions for, and pay the costs of, the election. If a special election is held exclusively on the proposition of organizing the district, the cost of the election shall be reimbursed to the county which called it by means of a special tax on all of the taxable property within the district. This tax shall be added to the next county tax bill by the proper county officials. Election costs

#### Article 4. Board of Directors

(Article 4 added by Stats. 1951, Ch. 439, as part of codification)

5730. Upon the creation of the district the legislative body of the affected city, and the board of supervisors, if unincorporated territory is included, shall appoint a member of the district board. District board member

5730.01. If the district board so appointed consists of an even number, an additional member shall be chosen by members already appointed, and if they fail to make the appointment within 30 days after the date set for the first meeting of the board of directors, the secretary or any member shall notify the mayor of the city having the largest population within the district of that fact, and the mayor shall appoint the additional member within 30 days after receiving the notification. Additional members:

5730.02. The additional member shall be a qualified elector residing within the district. He may be removed at any time, and his successor appointed, by a majority vote of the board. Qualification and removal

5730.03. If a vacancy occurs on the district board, the body having original authority to make the appointment shall immediately appoint a successor to fill the vacancy. Vacancy

5730.04. The mayor of the city having the largest population within the district shall fix a time and place for the first First board meeting

meeting of the board and shall cause each member to be given written notice at least five days prior to the meeting.

The district board shall meet at the time and place fixed for the first meeting.

**Quorum** 5730.05. A majority of the members constitutes a quorum, and in the absence of a quorum any lesser number may adjourn the meeting from time to time, and place to place, until the organization of the district board has been completed.

**Appointment of officers** 5730.06. At the first meeting of the district board at which a quorum is present, the members shall appoint a chairman and a vice chairman from among its membership. They shall appoint a secretary, who need not be a member. The secretary shall perform the duties prescribed by the board.

**Rules** 5730.07. The board shall adopt rules governing the selection, duties, and term of office of its officers.

**Compensation** 5730.08. Members shall receive no compensation for their services, but shall be allowed their actual expenses incurred in connection with the discharge of their duties.

**Terms of office** 5730.09. After the board has organized and selected its officers, the members shall classify themselves into two groups by lot. The larger group shall equal one-half of the total number plus one. Each member in the larger group shall hold office for a term ending at noon on the first Monday in August four years after the first Monday in August of the following odd numbered year, and until his successor is appointed and qualified. Each member in the smaller group shall hold office for a term ending at noon on the first Monday in August two years after the first Monday in August of the following odd numbered year, and until his successor is appointed and qualified.

**Successors** 5730.10. Immediately upon the expiration of the term of any member, the body appointing him shall appoint a successor to serve for a term of four years after the expiration of the term of his predecessor, and until his successor is appointed and qualified.

**Powers of board** 5730.11. The district board constitutes the legislative and governing body of a district, and shall determine all questions of policy. The board shall supervise and regulate all sewage systems owned and operated by the district.

**Place of meetings** 5730.12. By ordinance the district board shall fix a place within the district for the transaction of business. The place of meeting may be changed to any place that will in the opinion of the board best serve its interest or convenience and that of the public.

**Conduct of meetings** 5730.13. A majority of the members constitutes a quorum for the transaction of business. A majority vote of all of the members is necessary to take any action.

**Rules** 5730.14. The district board may make necessary rules relative to the orderly transaction of its business and the business of the district.

**Agreements re city employees** 5730.15. The board may enter into agreements with any affected city for the performance by the city officers and

employees of their respective duties for the district without additional compensation.

5730.16. The board may:

District  
employees

(a) Provide for the employment of such labor, clerical, legal, and engineering services as it requires.

(b) Fix the compensation to be paid to any officer or employee.

(c) Require a bond of any officer or employee in any amount the board desires.

(d) Contract for the employment of any services required by the district, the board, or any district officer.

5730.17. By ordinance the district board may establish a schedule of rates and charges for sewage disposal service. The rates and charges may be graduated in amount according to the approximate quantities and characteristics of the contributed sewage and industrial wastes.

Rates, etc.,  
for services:  
Schedule

5730.18. By ordinance the board may adopt any one or all of the remedies set forth in Sections 5810 to 5810.11, inclusive, for the collection of rates and charges and foreclosure of any lien.

Collection

5730.19. The district treasurer shall collect the rates and charges.

Treasurer's  
duties

5730.20. The acts of the district board shall be expressed by motion, resolution, or ordinance. No motion, resolution, or ordinance shall have any validity or effect unless adopted by a majority vote of all of the members.

Acts of  
board:  
Validity

5730.21. An ordinance shall not be finally adopted by the board until it has been published once.

Publication  
of ordi-  
nances

5730.22. The enacting clause of all ordinances shall be:

Ordinances:  
Form

"Be it enacted by the board of directors of the \_\_\_\_\_ Joint Municipal Sewage Disposal District."

All ordinances shall be signed by the chairman or vice chairman of the board and attested by the secretary.

Signatures

5730.23. Upon completion of the organization of the district board, it shall make a thorough investigation and written report of the needs of the district for the construction of a sewage system.

Investiga-  
tion, etc.,  
of needs

5730.24. Until the district receives revenue from the operation of a sewage system constructed by it, any affected county or city may lend or donate money, materials, supplies, and services of its officers or employees to assist the district in making the investigation and report. The district shall make reimbursement for all loans made to it.

Loans, etc.,  
from affected  
counties, etc.

5730.25. Purchases of supplies and materials exceeding one thousand dollars (\$1,000) shall be made by contract and be let to the lowest responsible bidder, after at least one notice by publication. Publication shall be made at least five days before bids are received.

Purchases  
by bids

5730.26. The board may reject any and all bids and readvertise in their discretion.

Rejection  
of bids

5730.27. After rejecting bids the district board may declare by a resolution adopted by a four-fifths vote of all its

Open market  
purchases



members, that in its opinion the materials and supplies may be purchased at a lower price in the open market. After the adoption of the resolution, the board may proceed to purchase the supplies and materials in the open market.

Public  
calamity

5730.28. In case of great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, by a resolution passed by a four-fifths vote of all its members, the district board may declare that public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property. After declaring the public calamity the district may expend money or enter into contracts involving the expenditure of any sum needed in the emergency.

Operating  
basis

5730.29. The district board shall determine whether a sewage system shall operate upon a calendar, operating, or fiscal year basis, and the beginning and ending dates.

Ordinance as  
to operation  
of system:

5730.30. After the construction of a sewage system, the district board shall adopt an ordinance which shall set forth:

Contents

(a) A description of the area of the district which will be served by the sewage system.

(b) A schedule of the proposed rates and charges.

(c) The date the district proposes to commence the treatment, purification, and disposal of sewage and industrial wastes originating in the area.

(d) The time and place of a public hearing at which objections to the adoption of the ordinance may be heard.

Objections

5730.31. All objections to the adoption of the ordinance shall be presented to the district board in writing at least five days prior to the hearing, and the written objections shall be definite and specific. The board may continue the hearing from time to time, and alter or add to the schedule of rates and charges.

Alteration,  
etc., of  
rates, etc.

5730.32. If any alteration or addition is made in the schedule of rates and charges, the ordinance shall be republished before final adoption.

Certified  
copy of  
ordinance

5730.33. Upon final adoption the secretary of the district board shall cause a certified copy of the ordinance to be transmitted to the legislative body of each county and city which is wholly or partially within the area described in the ordinance.

Exclusive  
sewage  
disposal

5730.34. After transmittal of the ordinance, sewage and industrial wastes originating in the area described in the ordinance shall not be treated, purified, or disposed of by any person, city, or county, except by and through district facilities.

Interest in  
contracts

5730.35. A member or district officer shall not be directly or indirectly interested in any contract awarded by the district, or in the profits to be derived from the contract. An officer or member who violates this section is guilty of a misdemeanor, and shall forfeit his office. This section does not apply to contracts awarded to corporations in which a member or district officer owns less than 1 percent of the entire capital stock.

Dissolution

5730.36. By resolution the district board may dissolve any district if all the following conditions exist:

(a) A proposition for incurring a bonded indebtedness fails to carry.

(b) The district is subject to no other indebtedness or liability pursuant to this chapter.

(c) The district has been organized for not less than two (2) years.

5730.37. The district board shall provide for all matters and things necessary for the proper administration of the affairs of the district which are not provided for in this chapter. Adminis-  
tration

## Article 5. Powers of the District

(Article 5 added by Stats. 1951, Ch. 439, as part of codification)

5740. Districts have the following powers:

(a) To have perpetual succession. Districts'  
powers:  
Succession

(b) To sue and be sued, except as otherwise provided by this chapter or other law, in all actions and proceedings, in all courts of competent jurisdiction. Suits

(c) To adopt a seal and alter it at pleasure. Seal

5740.01. The district may:

(a) Take by grant, purchase, gift, devise, or lease. Acquisition  
of property

(b) Condemn in proceedings under eminent domain.

(c) Otherwise acquire and use real and personal property of every kind within or without the district necessary to the full or convenient exercise of its powers.

5740.02. The district board may lease, mortgage, sell, or otherwise dispose of any real or personal property of the district, within or without the district, when in its judgment it is for the best interests of the district. Disposition  
of property

5740.03. The district may acquire, construct, own, operate, control, or use, within or without, or partly within and partly without the district, sewage systems for supplying the inhabitants of the district with means for the interception, treatment, purification, or disposal of sewage and industrial wastes. Sewage  
disposal  
systems

5740.04. The district may do all things necessary or convenient to the full exercise of the powers granted by this chapter. Additional  
powers

5740.05. If any part or all of a district's sewage system is not used to its fullest capacity for the benefit of the district or its inhabitants, the district may enter into an agreement with counties, cities, or any governmental agencies, upon terms and conditions satisfactory to the board, for the disposal of sewage originating outside of the district. Agreements  
for sewage  
disposal

5740.06. The district may exercise the right of eminent domain in the name of the district in the manner provided by law for the condemnation of private property for public use. It may take any property necessary or convenient to the exercise of the powers granted by this chapter, whether or not the property is already devoted to the same use. In the exercise of the right of eminent domain it has all the rights, powers, and privileges of a city, and all rights, powers, and privileges conferred by this chapter. Eminent  
domain

Rights over public property	5740.07. The district may construct its sewage system in any street, public highway, or state property with the same rights and privileges granted to cities. The district may also construct its sewage system across any stream of water.
Streams	
Restoration of public property	5740.08. The district shall restore any public property to its former condition as near as possible, and shall not unnecessarily impair its usefulness.
Incurring debts	5740.09. The district may : (a) Borrow money and incur indebtedness. (b) Issue bonds or other evidences of indebtedness. (c) Refund or retire any indebtedness that exists against or is assumed by the district.
Taxes	5740.10. The district may levy and collect, or cause to be levied and collected, taxes to carry on the operations and pay the obligations of the district, other than principal and interest on revenue bonds.
Contracts	5740.11. The district may : (a) Make contracts either in connection with eminent domain proceedings or otherwise, including, but not limited to, contracts to indemnify and save harmless. (b) Employ labor.
Labor	
Investment of surplus money :	5740.12. The district may invest any surplus money in the district treasury, including money in any sinking fund established for the purpose of providing for the payment of the principal or interest of any bonded or other indebtedness or for any other purpose, not required for the immediate necessities of the district.
Bonds	5740.13. The district may invest in its own bonds, or in the treasury notes or bonds of the United States, or of the State, or bonds of any city, school district, county water district, county, or municipal utility district.
Form of purchase	5740.14. The investment may be made by direct purchase of all or part of any issue of bonds or treasury notes at the original sale or by subsequent purchase. Bonds or treasury notes purchased by the district may be sold and the proceeds reinvested in bonds or treasury notes.
Sale of bonds, etc.	5740.15. The district shall sell the bonds and treasury notes as required to accomplish the purposes of the fund from which those bonds and notes were purchased.
Contracts with cities, etc.	5740.16. The district may contract, upon mutually agreed terms with any city, public or municipal corporation, or county to perform for the district any of the powers, duties, or functions granted to or imposed upon the district by this chapter. The city, public or municipal corporation, or county may enter into and perform the contract.
Federal loans, etc.	5740.17. The district may : (a) Accept, without limitation by any other provisions of this chapter requiring approval of indebtedness, contributions or loans from the United States, or any of its departments, instrumentalities, or agencies, for the purpose of financing the construction, maintenance, and operation of any enterprise in which the district is authorized to engage.



(b) Enter into contracts and cooperate with, and accept cooperation from, the United States, or any of its departments, instrumentalities, or agencies, in the financing, construction, maintenance, and operation of any enterprise in which the district is authorized to engage in accordance with legislation adopted by Congress. Cooperation with United States

(c) Do all things necessary to avail itself of aid, assistance, and cooperation under any federal legislation.

5740.18. The district may:

(a) Accept, without limitation by any other provisions of this chapter requiring approval of indebtedness, contributions of money, rights of way, labor, materials, and any other property for the construction, maintenance, and operation of any enterprise in which the district is authorized to engage. Contributions, etc.

(b) Enter into contracts and cooperate with, and accept cooperation from, the State, or any of its departments, instrumentalities, or agencies, or any state public agency, in the financing, construction, maintenance, and operation of any enterprise in which the district is authorized to engage. Cooperation with State

5740.19. Annually the district shall employ an expert who is a certified public accountant who shall with due diligence examine and report upon: Accounting: Employment of expert

(a) The system of accounts kept by the district.

(b) All the contracts entered into by the district within the year immediately preceding.

(c) The properties and investments of the district.

5740.20. In his report the expert shall include recommendations which in his judgment are necessary and proper for: Report

(a) The good of the district and each sewage system, and for their efficient and economical or advantageous management and operation.

(b) The system of accounts kept.

(c) The manner in which accounts shall be kept.

(d) The form of accounts, records, and memoranda of receipts and expenditures of money, and depreciation and sinking fund accounts.

## Article 6. Annexation

(Article 6 added by Stats. 1951, Ch. 439, as part of codification)

5750. By the adoption of a resolution requesting the district board to annex the territory described in the resolution a board of supervisors may propose the annexation of unincorporated territory, and the legislative body of any city may propose the annexation of all or part of the territory comprising the city. The territory proposed to be annexed need not be contiguous to the district and need not be within the county within which the district was originally organized. Resolution  
Territory

5750.01. If, after receipt of a certified copy of a resolution proposing annexation, the district determines that annexation of the territory would facilitate the construction or operation of a sewage system, or otherwise be advantageous to the district, it shall determine by resolution the terms and conditions upon which such annexation may be made. Terms of annexation

Provisions includable	5750.02. Provisions within the terms and conditions may include, but are not limited to:
	(a) Payment of taxes within the territory to be annexed in addition to the other taxes provided for in this chapter.
	(b) Fixing rates and charges differing from those fixed or existing elsewhere within the district.
	(c) Incurring or assuming indebtedness, or making payments, or transferring property, real and personal, and other assets to the district by the territory proposed to be annexed.
Transmittal of copy	5750.03. The secretary of the district board shall immediately transmit to the board of supervisors or legislative body proposing the annexation a certified copy of the resolution fixing the terms and conditions upon which annexation may be made.
Hearing	5750.04. If the legislative body proposing the annexation consents to the terms and conditions, the district board shall fix the time and place for a hearing on the question of the annexation and provide for the giving of notice of the hearing.
Publication of notice	5750.05. Notice fixing the time and place for hearing on the question of the annexation shall be published once in a newspaper of general circulation printed and published in the district. If there is no such newspaper, notice of the hearing shall be given by posting in three (3) public places within the district, at least one of which shall be within the territory proposed to be annexed.
Time for hearing	5750.06. The time for the hearing shall be not less than 30 nor more than 60 days after the publication or first posting of the notice.
Objections	5750.07. At or before the hearing any person interested may make written objections to the annexation or inclusion of his property. The objections shall be filed with the secretary or clerk of the district, and the board shall hear and determine them at the hearing. The district board may adjourn the hearing from time to time without further notice, but an order shall be entered upon the minutes of its meeting fixing the time and place of adjournment.
Adjournment	
Declaration of annexation	5750.08. If no protests are filed, or the protests filed are overruled by the board, by resolution the board shall immediately declare all or part of the territory annexed to the district. Upon the filing of the resolution with the secretary or clerk of the district the annexation is completed.
Consent	5750.09. All or part of a city shall not be annexed to the district unless its legislative body consents by resolution.
Incidental powers	5750.10. After the date of annexation, the district board may do all acts necessary or convenient to the fulfillment of the terms and conditions of the annexation, and the exercise of the powers vested in the district and the board by this chapter.
Retention of corporate existence	5750.11. An annexation pursuant to this article shall not dissolve or terminate the legal existence of any city or county. The city or county annexed shall retain its corporate existence unless otherwise dissolved.

5750.12. The validity of any procedure for the annexation of territory to a district shall not be contested in any action or proceeding unless it is brought within three months after the date of the completion of the proceeding. Limitation on contest

### Article 7. Elections

(Article 7 added by Stats. 1951, Ch. 439, as part of codification)

5760. Unless otherwise provided by this chapter, all elections held pursuant to it shall be conducted, and may be consolidated, and the results declared as near as possible in accordance with the general election laws. Conduct of elections

5760.01. A person is not entitled to vote at a district election unless he is a qualified elector within the district. Qualified elector

5760.02. In the ordinance calling the election, the district board may indicate its intent to have the district election consolidated with another election. The board of supervisors in the affected county shall consolidate the elections, and certify the results to the district board. Consolidation of elections

5760.03. Upon certification, the district board shall determine the results of the election and declare the proposition or propositions approved or rejected. Determination of results

5760.04. Informality in any proceeding or in the conduct of any election, not substantially affecting adversely the legal rights of any citizen, shall not invalidate the organization of a district, or any annexation to it, or any proposition for the issuance of bonds. Informality in procedure

### Article 8. General Obligation Bonds

(Article 8 added by Stats. 1951, Ch. 439, as part of codification)

5770. Any district organized pursuant to this chapter may incur a bonded indebtedness pursuant to this article, to pay the cost of constructing all or any part of a sewage system. Incurring of bonded indebtedness:

5770.01. By a resolution passed by a vote of two-thirds of all its members, the district board may determine that the public interest or necessity demands that the district construct a sewage system, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the district. Resolution of necessity

5770.02. At any subsequent meeting the district board may provide for a district election on the proposition of incurring a bonded debt for the purpose set forth in the resolution. Propositions for incurring indebtedness for more than one object may be submitted at the same election. District election

5770.03. The ordinance calling the election shall recite: Election ordinance

(a) The objects for which the indebtedness is to be incurred.

(b) The estimated cost of the sewage system to be constructed.

(c) The amount of the principal of the indebtedness to be incurred, and the rate of interest to be paid on the indebtedness.

(d) The date on which the election will be held.

5770.04. If the rate of interest to be paid on the indebtedness does not exceed  $4\frac{1}{2}$  percent a year, payable semiannually, Recital of interest rate



the ordinance need not recite it. In its discretion the district board may recite in the ordinance a maximum rate of interest to be paid on the indebtedness, not exceeding 6 percent a year, payable semiannually. When a maximum rate is recited, it shall not be exceeded in the issuance of bonds for the indebtedness.

Notice of  
election

5770.05. Notice of a bond election need not be given other than the adoption of the ordinance calling it.

Required  
vote

5770.06. The votes of two-thirds of all those voting at the election are required to authorize the issuance of bonds pursuant to this article.

Failure of  
proposition

5770.07. If a proposition for incurring indebtedness fails to receive the requisite number of votes, the district board shall not submit a substantially similar proposition for election within six months, except upon a petition of 15 percent of the electors of the district filed with the district board. For the purpose of this section the number of electors shall be computed upon the number of votes cast for Governor at the last gubernatorial election.

Maturity  
of bonds

5770.08. The bonds authorized by election shall mature serially in amounts to be fixed by the board. Payment of the bonds shall begin not later than five years after their date, and be completed in not more than 40 years after that date.

Denomina-  
tion of bonds

5770.09. The bonds shall be issued in such denominations as the district board determines, except that bonds shall not be of a less denomination than one hundred dollars (\$100), nor of a greater denomination than one thousand dollars (\$1,000).

Place, etc.,  
of payment

5770.10. The bonds shall be payable at the time and place fixed on their face, with interest payable semiannually at the rate specified.

Execution  
of bonds

5770.11. The bonds shall be signed by the chairman of the district board, or by an officer the board has designated for that purpose by resolution adopted by a two-thirds vote of all its members, and by the treasurer, and countersigned by the secretary. The attached coupons shall be numbered consecutively and be signed by the treasurer by his lithographed or engraved signature. All signatures and countersignatures on the bonds, except that of the treasurer, may be printed, lithographed, or engraved. If any officer who signs the bonds or coupons vacates his office before delivery of the bonds to the purchaser, his signature or countersignature is as valid as if he had remained in office until delivery.

Signatures

Issue price

5770.12. At their discretion the district board may issue and sell the bonds for not less than their par value. The proceeds of the sale shall be placed in the district treasury to the credit of the proper fund, and shall be used exclusively for the objects for which the bonds were voted.

Debt limit:

5770.13. A district shall not incur an indebtedness pursuant to this article for a sewage system which in the aggregate exceeds 15 percent of the assessed value of all the real and personal property of the district.

Ascertain-  
ment where  
indebtedness  
exists

5770.14. If any indebtedness has been incurred pursuant to this article for the construction of a sewage system, and the

revenue from that system for three years or more next preceding has been sufficient to pay the interest and principal due on any bonds issued for its construction, in addition to the cost of operation and maintenance, it shall not be included in ascertaining the limit of indebtedness.

5770.15. Annually at the time and in the manner for fixing the general tax levy, the district board shall levy and collect a tax sufficient to pay the annual interest on the bonds and that part of the principal coming due before the next general tax levy, until the bonds are paid or a sufficient sum is set apart for that purpose in the district treasury.

Tax to meet  
bond  
obligations

5770.16. If the maturity of the indebtedness created by the issue of bonds begins more than one year after the date of their issuance, a tax shall be levied and collected pursuant to this article, sufficient to pay the interest as it falls due, and to constitute a sinking fund for the payment of the principal indebtedness on or before maturity.

Sinking fund

5770.17. The taxes required by this article shall be in addition to all other taxes levied for district purposes, and shall be collected pursuant to this chapter. Taxes so collected shall be used for no other purposes than the payment of the bonds and accruing interest.

Collection

Use

5770.18. In lieu of a resolution passed by the district board pursuant to Section 5770.01, 10 percent of the electors of the district, computed by the method provided in Section 5770.08, may sign and present a petition to the district board asking for the construction of a sewage system and asking that a bonded indebtedness be incurred to pay for it.

Petition

5770.19. Immediately upon receipt of the petition the secretary of the district board shall examine and verify the signatures and certify the results of the examination to the district board.

Certifica-  
tion, etc.

5770.20. If the secretary finds that the required number of signatures are genuine, he shall transmit an authentic copy of the petition without signatures to the district board.

Transmittal  
of copy

5770.21. Upon receipt of the petition with the secretary's certificate stating that it contains the required number of signatures, the district board shall formulate a proposition for incurring a bonded indebtedness pursuant to this article for the objects set forth in the petition for submission to the electors within the district at a special election called for that purpose.

Election  
proposition

5770.22. The election and all matters concerning the bonds and their issuance shall be carried out as if the action had been initiated by resolution of the board.

Election

5770.23. In its discretion the district board may defer the calling of the election until the next general election to be held in the district. The district board may consolidate any election called for the submission of any proposition pursuant to this article with any other election at which the qualified voters of the district vote, or hold the elections separately.

Consoli-  
dation:

5770.24. If the district election is consolidated with any other election, the provisions of this article setting forth the

Procedure

procedure for calling and holding a district election shall be complied with.

Ordinance

5770.25. If the district election is consolidated with another, the ordinance calling the district election need not set forth the election precincts, polling places and officers of election, but may provide that they shall be the same as those set forth in the ordinance, notice, or other proceedings calling the other election with which the district election is consolidated, and shall refer to such ordinance, notice, or other proceeding by number and title, or by other definite description.

Bonds as  
legal  
investments

5770.26. District bonds issued pursuant to this article are legal investments for:

(a) Trust funds.

(b) The funds of all insurance companies, commercial and savings banks, and trust companies.

(c) The State School Fund.

(d) Sinking funds under the control of the State Treasurer.

Security for  
loans, etc.

5770.27. District bonds issued pursuant to this article are legal investments for, or security for the loan of, funds which may be invested in, or loaned upon the security of, bonds of cities, counties, or school districts, in the State.

Legal  
security:  
Trusts, etc.

5770.28. Where bonds of cities, counties, or school districts are legal security for the faithful performance or execution of any court or private trust or of any other act, district bonds issued pursuant to this article are also legal security for those acts.

Use by banks

5770.29. To the same extent as bonds of any city, district bonds issued pursuant to this article are legal security for use by any state or national bank for the deposit of funds of the State or of any county, city, or other public or municipal corporation.

Call and  
redemption:

5770.30. The board may provide for the call and redemption of part or all of the bonds on any interest payment date prior to their fixed maturity at a sum not exceeding their par value and accrued interest, plus a premium not exceeding 5 percent upon the principal amount.

Statement in  
ordinance

5770.31. If redemption before maturity is provided for, a statement to that effect shall be set forth in the ordinance calling the election, and the call price fixed by the district board shall be set forth on the face of the bond.

Price on  
bond

Notice of  
redemption

5770.32. Notice of redemption before maturity shall be published once a week for three successive weeks. The first publication shall be at least 30 days prior to the date fixed for redemption. After the date fixed for redemption, interest on the bonds ceases.

Refunding  
bonds:

5770.33. If the district board determines that refunding is advantageous it may refund all or part of any bonded indebtedness incurred pursuant to this article, and issue the district's refunding bonds of the same type in their place. Refunding bonds shall bear interest at a rate not exceeding the interest rate on the refunded bonds.

Interest rate



5770.34. The provisions relating to the issuance, denomination, time and place of payment, time when payment must be completed, maturing serially, call and redemption, notice of call and redemption, running of interest, signing and counter-signing, validation where the officer signing vacates his office, and discretionary sale by the district board, affecting general obligation bonds, apply to refunding bonds except that payment of refunding bonds shall begin not later than one (1) year from the date of the bonds and notice of redemption need be given only once. Applicable provisions

5770.35. The proceeds of the sale of refunding bonds shall be placed in the district treasury to the credit of the refunding fund and shall be applied only to the purchase, or retirement at not more than par and accrued interest, or the call price, of the bonded indebtedness for which the refunding bonds are issued. Disposition of proceeds

5770.36. In lieu of selling refunding bonds and using the proceeds of the sale to purchase or retire the bonds to be refunded, the district board may exchange refunding bonds at not less than par and accrued interest for the bonds refunded. Exchange at par

5770.37. When outstanding bonds are refunded, they shall be surrendered to the district treasurer, who shall cancel them by: Surrender and cancellation

(a) Endorsing on their face whether they were refunded by exchange or purchase, and if they were purchased the amount paid.

(b) Perforating through each bond and each attached coupon "canceled" and the date of cancellation.

5770.38. After all outstanding bonds which are to be refunded from the refunding fund have been taken up and canceled, all money remaining in that fund shall be paid into the district sinking fund. Sinking fund

5770.39. Issuance of refunding bonds shall not be construed as incurring or increasing an indebtedness within the meaning of this article. Limitation on issuance

5770.40. The district board shall provide for the levy and collection of taxes to pay the principal and interest on the refunding bonds, and to constitute a sinking fund for the payment of the principal of the bonds on or before maturity pursuant to this article. Payment: Tax levy

5770.41. In lieu of the immediate levy of a tax to pay all or part of the interest on any bonded debt incurred pursuant to this article, the district board may include in the estimate of the amount of money necessary to be raised by the bonds, a sum sufficient to pay interest on all or part of the bonds during the period of construction of the sewage system for which the bonds were issued until revenues are earned by the sewage system, but not to exceed five years. Alternative procedure

5770.42. After inclusion of the interest sum in the estimate the district board may use as much of the proceeds from the sale of the bonds as necessary for the payment of the interest until the receipt of revenues from the operation of the sewage Use of sale proceeds

system for the construction of which the bonds were issued. The amount used for interest shall not exceed the sum included by the board in its estimate for that purpose.

**Publication** 5770.43. When the board sells any bonds, it shall advertise for bids by publication at least twice. The first publication shall be at least two weeks prior to the date upon which bids will be opened.

**Award to highest bidder** 5770.44. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest bidder. If no bids are received or if the district board determines the bids received are not satisfactory as to price or responsibility of the bidder, it may reject all bids, and either readvertise for bids, or sell the bonds at private sale.

### Article 9. Taxation

(Article 9 added by Stats. 1951, Ch. 439, as part of codification)

**Tax levy** 5780. If the district board determines that the revenues of the district will not be sufficient to pay the principal or interest on any bonded debt incurred pursuant to Article 8 as it becomes due, or to carry out the objects and purposes of the district, the board shall levy and collect a tax for that purpose and fix the amount of money necessary to be raised by taxation.

**Limitation** 5780.01. No tax shall be levied to pay the principal or interest of any revenue bond.

**Assessment, etc.** 5780.02. The board may provide for the assessment, levy, and collection of taxes, and for the sale of property to the district for delinquent taxes, penalties, interest, and costs.

**Use of county assessment roll** 5780.03. The district may avail itself of the assessment roll of the properties within the district, used by the county in which the district is situated, and may take that assessment as the basis for district taxation, and have its taxes collected by the officials of the county. On or before August 1st the district board shall declare that it has availed itself of the county services by resolution or ordinance and file a certified copy with the auditor of the affected county.

**Collections** 5780.04. Each year after the declaration, until the district board provides otherwise, all taxes shall be collected for the district by the assessors and tax collectors of the affected counties.

**Property valuation** 5780.05. On or before the second Monday in August of each year after the declaration, the county auditor shall transmit to the board a written statement showing the total value of all property within the district. Property value shall be ascertained from the county assessment roll used by the county that year.

**Rate: Fixing** 5780.06. On or before the first weekday in September, if the district has availed itself of the county services, the district board shall fix the rate of taxes, designating the number of cents upon each one hundred dollars (\$100), based on the property valuation on the current roll.

**Sufficiency** 5780.07. The rate of taxation shall be sufficient to raise the amount previously fixed by the board pursuant to this chapter.

5780.08. Action pursuant to Sections 5780.03 to 5780.06, inclusive, constitutes a valid property assessment and a valid tax levy. Immediately after that action, the district board shall transmit a statement of the rates fixed to the auditor of the affected county.

Validity of  
property  
assessment,  
etc.

5780.09. Taxes so levied shall be collected at the same time and in the same manner as county taxes. When collected the net amount, ascertained pursuant to this chapter, shall be paid to the district treasurer, pursuant to the general requirements and penalties provided by law for the settlement of other taxes.

Manner of  
collection

5780.10. If any real property within a district which has availed itself of the county services has been sold for taxes and has been redeemed, the redemption money shall be apportioned and paid by the county treasurer to the district in the proportion which the tax due to the district bears to the total tax for which the property was sold.

Redemption  
money

5780.11. All taxes levied pursuant to this article are a lien on the property on which they are levied. Unless by ordinance the board provides otherwise, district taxes shall be collected in the same manner and by the same means as county taxes.

Lien

5780.12. The board of supervisors of the county rendering the services pursuant to this article, and the district board shall agree as to the amount of compensation to be paid to the county for the services. The compensation shall not exceed one-half of 1 percent of all money collected for the district and shall be credited to the county salary fund.

Compensa-  
tion for  
county  
services

### Article 10. Revenue Bonds

(Article 10 added by Stats. 1951, Ch. 439, as part of codification)

5790. Pursuant to this article any district may issue revenue bonds to pay the cost of construction of a sewage system.

Issuance

5790.01. By ordinance adopted by a vote of two-thirds of its members, the district board may determine that the public interest or necessity demands that the district construct a sewage system. At any subsequent meeting, by ordinance the district board may provide for a district election on issuing revenue bonds as set forth in the ordinance of public convenience or necessity. Propositions for incurring indebtedness for more than one object may be submitted at the same election.

Ordinance

5790.02. The ordinance of public interest or necessity shall contain:

Contents

(a) A statement that public interest or necessity requires the construction of a sewage disposal system.

(b) A brief description of the proposed system, which sets forth its general type and purpose, but need not describe its location.

(c) An estimate of the cost of the sewage system, and a separate estimate of the incidental expenses in connection with it.

(d) The time and place fixed for the hearing of protests against the adoption of the ordinance, which shall be at least 10 days after the last publication of the proposed ordinance.



(e) A statement that unless the proposed ordinance is abandoned at the hearing a district election will be held on the proposition of issuing revenue bonds to pay the costs and expenses of the construction of the sewage system.

(f) A statement that the revenue bonds shall be payable solely from revenues derived from the operation of the sewage system, including rates and charges for its use.

(g) A list of the proposed rates and charges for the different classes of users of the sewage system.

(h) The amount of the principal of the revenue bonds proposed to be issued and the maximum rate of interest to be paid on the bonds.

(i) A statement whether the proposition shall be submitted at a special election to be held for that purpose, or at a general election.

Effect of  
listed  
rates, etc.

5790.03. The list of rates and charges published in the ordinance of public interest or necessity is informative only, and does not restrict the district board in thereafter fixing rates and charges.

Election  
ordinance

5790.04. The ordinance calling the election shall :

(a) Describe generally the sewage system to be constructed with the funds derived from the sale of revenue bonds.

(b) State that the bonds shall be payable solely from revenue derived from the operation of the sewage system.

(c) State the amount of the principal of the revenue bonds proposed to be issued, the rate of interest to be paid, or the maximum amount of interest that may be paid, upon such bonds.

(d) Fix the date on which the election will be held.

Adoption

5790.05. The ordinance calling the election shall be adopted by the district board in the same manner as other ordinances, and other notice of the election need not be given.

Issuance of  
revenue  
bonds

5790.06. If a majority of those voting upon the proposition favor the issuance of the revenue bonds, by ordinance the board shall issue revenue bonds in the principal amount provided in the ordinance calling the election.

Rates, etc.

5790.07. Rates and charges for services furnished by any sewage system constructed pursuant to this chapter shall be fixed before the issuance of the revenue bonds for its construction. The rates and charges may be greater or less than those stated in the ordinance of public interest or necessity.

Negotiability

5790.08. All revenue bonds issued pursuant to this chapter are negotiable instruments.

Form

5790.09. The board shall prescribe the form of revenue bonds and the attached interest coupons.

Terms

5790.10. The district board shall fix a time and place for payment which shall be stated on the bonds.

The district board shall fix an amount not less than one-fortieth of the whole sum due which shall be paid each year together with interest on all sums unpaid at the date of payment.

Maturity  
date

5790.11. In its discretion the district board may fix a date for the earliest maturity of the principal of the revenue bonds not more than five years from the date of issue.

5790.12. The entire indebtedness shall be payable within 40 years from the date of issue of the revenue bonds. Limitation

5790.13. The provisions relating to issuance, time and place of payment, signing and countersigning, validation where the officer signing vacates his office, and discretionary sale by the district board, affecting general obligation bonds, apply to revenue bonds except that the resolution passed by the district board designating an officer to sign the bonds in place of the chairman need not be passed by two-thirds vote of all members, the maximum rate of interest is 6 percent a year, and the treasurer's signature on the coupons may be printed. Application of other provisions

5790.14. Revenue bonds and their coupons shall be payable in lawful money of the United States. Legal tender

5790.15. Each revenue bond shall plainly state on its face that it is payable only from the revenues derived from the sewage system constructed from the proceeds of the sale of the revenue bonds and that it does not constitute an indebtedness of any affected city or county. Source of payment

5790.16. Revenue bonds shall be designated substantially as follows: "Revenue Bond of (insert name) Joint Municipal Sewage Disposal District." Designation of revenue bond

5790.17. The proceeds of the sale of revenue bonds shall be placed in the district treasury and shall be applied to the purposes mentioned in the election ordinance exclusively, except that interest may be paid from the proceeds during the construction and until six months after completion of the sewage system, but this period shall not extend beyond five years from the sale of the revenue bonds. Disposition of proceeds

5790.18. When the district board sells all or part of the revenue bonds, it shall advertise for bids by publication at least twice. The first publication shall be at least two weeks prior to the date upon which bids will be opened. Advertisement

5790.19. If satisfactory bids are received, the revenue bonds offered for sale shall be awarded to the highest bidder. If no bids are received or if the district board determines the bids received are not satisfactory as to price or responsibility of the bidder, it may reject all bids and either readvertise for bids or sell the revenue bonds at private sale. Award to highest bidder

5790.20. Revenue bonds and the income from revenue bonds shall be exempt from taxation, except for transfer, inheritance, and estate taxes. Rejection of bids

5790.21. All sewage systems, lands, works, and improvements acquired or constructed pursuant to this chapter shall be exempt from taxation. Tax exemption: Bonds

5790.22. Any district issuing revenue bonds pursuant to this chapter shall keep separate records and accounts containing entries of all transactions relating to the properties, business, and affairs of each sewage system. Works, etc.

5790.23. Within three months after the close of the year in which the district operates, the engineer shall cause the records, accounts, and affairs of each sewage system to be audited by a competent auditor. Records, etc.

5790.24. Within three months after the close of the year in which the district operates, the engineer shall cause the records, accounts, and affairs of each sewage system to be audited by a competent auditor. Audit

Balance  
sheet

5790.24. The auditor shall prepare a balance sheet, and an income and surplus account showing, in reasonable detail, the financial condition of each sewage system at the close of the year and its financial operations during the year.

Inspection of  
accounts, etc.

5790.25. At all reasonable times during business hours the audit balance sheets, and income and surplus accounts shall be open to inspection by any taxpayer, user of services furnished by the district, holder or owner of revenue bonds issued for the construction of any sewage system, or the agent of any of them.

Audit by  
C. P. A.

5790.26. Upon the request of the holders of 20 percent or more of the principal of outstanding revenue bonds of any issue, the district shall cause all records, accounts, and affairs relating to the sewage system constructed from the proceeds of that issue to be audited by a competent certified public accountant.

Inspection  
of audit

5790.27. A copy of the audit shall be open for inspection at all times to any taxpayer, user of the services furnished by the district, owner or holder of revenue bonds issued by the district, or the agent of any of them.

Contract  
for use of  
facilities

5790.28. A district and a city or county may contract for the use of the district facilities built with the proceeds of revenue bonds, on terms approved by them.

Time  
limitation

5790.29. The contract shall not be made for more than 15 years nor in violation of the ordinance authorizing the issuance of revenue bonds.

Rate adjust-  
ments, etc.

5790.30. Subject to the rights of the revenue bondholders, a city or county which has contracted for the use of district facilities may by ordinance establish, change, and adjust rates and charges for the service rendered by the sewage system pursuant to this article.

Lien

5790.31. The rates and charges shall constitute a lien against the premises served and shall be collected by the proper officials of the city or county in the same manner as rates and charges made by the district.

Intercept-  
ing sewers:

5790.32. The necessary intercepting sewers for connecting the city or county sewage system with the district sewage system shall be constructed pursuant to the contract.

Same: Pay-  
ment from  
revenue  
bonds  
proceeds

5790.33. Unless otherwise provided in the ordinance authorizing issuance of the revenue bonds, the district may pay the cost of constructing the intercepting sewer which it has contracted to bear from the proceeds of the sale of revenue bonds from which the sewage system was constructed.

## Article 11. Rates and Charges

(Article 11 added by Stats. 1951, Ch. 439, as part of codification)

Provisions

5800. Rates and charges shall provide:

(a) For the expenses of administration, operation, and maintenance of the sewage system in good repair.

(b) For payments of the interest and principal of all revenue bonds issued for the construction of the sewage system, as they become due.



(c) A fund for contingencies which shall be at least 10 percent of all other amounts required to be raised annually.

5800.01. Rates and charges for services furnished by the sewage system may be fixed and revised, and shall be payable as the district board determines to produce the amounts required by Section 5800.

Rates, etc.,  
for services

5800.02. The district board shall covenant and agree on the face of each revenue bond to fix rates and charges which shall provide the sums required by this article.

Same

5800.03. Each month the district board shall deposit all revenues derived from the operation of the sewage system into the separate funds created pursuant to this article and the revenues shall be held in trust, apart from other district funds, to be used only for the purposes for which the funds are established.

Deposition  
of revenues

5800.04. The separate funds shall be set aside, in the following order:

Funds:  
Order of  
setting  
aside

(a) The "interest fund" which shall contain a sum sufficient to pay the annual interest on the revenue bonds issued to construct the sewage system, as it becomes due.

(b) The "sinking fund" which shall contain a sum sufficient to pay the maturing annual principal of the revenue bonds as it becomes due, or to provide the annual portion of the sinking fund required to pay the principal of the revenue bonds promptly at maturity.

(c) The "operation and maintenance fund" which shall contain a sum sufficient to pay the reasonable yearly expenses of administration, operation, and maintenance of the sewage system necessary to keep it in good repair and working order.

(d) The "contingent or reserve fund" which shall contain the remaining gross revenues, and shall constitute a reserve to be used when necessary to pay principal or interest of the revenue bonds, issued for the construction of the sewage system, or to pay any necessary expense of repair or maintenance.

5800.05. The names of the funds provided for in subdivisions (a) through (d) inclusive, in Section 5800.04, are not mandatory and the district board may give them other appropriate names.

Names

5800.06. Income received by the district under any contract made with a city or county pursuant to this article is revenue of the sewage system which renders the services contracted for.

Income from  
contracts  
with cities,  
etc.

5800.07. When revenue bonds are issued pursuant to this chapter, a statutory first lien attaches to all revenues of the sewage system constructed from the proceeds of those revenue bonds, and to all funds created pursuant to this article, for the benefit of the sewage system. All revenue bonds of the same issue shall be equally and ratably secured without priority by reason of number, date, sale, execution, or delivery.

Lien:

Attachment

Priority

5800.08. The lien is in favor of the holders of revenue bonds and coupons of the revenue bonds, and is effective until the principal and interest on the bonds is paid in full.

Duration

Legal proceedings	5800.09. The holder of any revenue bonds or coupons may take any legal proceedings to protect and enforce his statutory lien and compel performance of the duties of the officials of the district which issued the revenue bonds.
Limitation	5800.10. The statutory lien upon revenues does not give any holder or owner of a revenue bond or coupon authority to compel the receivership or sale of part or all of the sewage system.
Free service prohibited	5800.11. The district shall not furnish free service to any governmental or private user of the sewage system. All users of the sewage system shall pay at the same schedule of rates and charges.
Payment of operating, etc., expenses	5800.12. The district board may use any funds not derived from the operation of the sewage system to pay immediate expenses of operation or maintenance. Money used to pay immediate expenses shall be repaid out of the first money available for that purpose.
Delinquency penalty	5800.13. If the rate or charge fixed by the district board pursuant to this chapter is not paid when due, it shall be increased by a penalty of 25 percent of the amount due.
Payment	5800.14. The rates, charges, and penalties shall be paid by the owner of the premises.
Lien:	5800.15. Except as to public-owned property, rates, charges, and penalties constitute a lien upon the premises serviced by a sewage system.
Duration	5800.16. The lien for the rates, charges, and penalties is effective until they are paid in full or the property sold to satisfy them.
Attachment on recordation	5800.17. The lien attaches when the district treasurer records a list of unpaid rates and charges with the recorder of the county in which the premises are located.
Contents of record	5800.18. The record shall include: <ul style="list-style-type: none"> <li>(a) The amount of each rate and charge.</li> <li>(b) A description of the property to which the lien attaches.</li> <li>(c) The name of the owner as it appears on the last equalized assessment roll.</li> <li>(d) The name of the district to which the rates and charges are payable.</li> </ul>
Recording procedure	5800.19. A list of all rates and charges which have been delinquent three months or more shall be recorded at least every three months, but no delay or informality in recording the list shall invalidate the lien for any unpaid rate or charge.
Validity of lien	

## Article 12. Remedies

(Article 12 added by Stats. 1951, Ch. 439, as part of codification)

Purpose	5810. The remedies in this article are established for the collection of rates, charges, and penalties.
Action for collection	5810.01. An action for the collection of the amount of the delinquent rates, charges, and penalties may be brought in the name of the district in any court which has jurisdiction against

the owner when the service was rendered. In the action a reasonable attorney's fee shall be awarded the plaintiff. Attorney's fee

5810.02. An action to foreclose the lien of the rates, charges, and penalties may be brought in the name of the district in any court of competent jurisdiction. In the action a reasonable attorney's fee shall be awarded the plaintiff. Action to foreclose Attorney's fee

5810.03. At least 30 days before any action to foreclose the lien of any rate or charge is brought, and at least 30 days before any sale of property is made by the treasurer, he shall cause notice of the proposed action to be sent by registered mail to the owner of the property to which the lien is attached. If the notice is placed in the United States mail, postage prepaid, addressed to the owner of the property at his address, as it appears on the last equalized assessment roll, no defect or informality in the notice shall invalidate the foreclosure or sale. Notice Validity

5810.04. On June 2 and December 2 of each year, the district treasurer may sell at public sale all parcels of property on which the rates and charges have been delinquent for more than six months. Notice of the sale shall be given by two publications at least 20 days before the date of sale. Delinquency sales Notice

5810.05. The notice shall state: Contents

(a) The time and place of sale.

(b) A description of the property to be sold.

(c) The amount which will be required to purchase the property.

5810.06. The treasurer shall sell the property to the person who offers to pay all unpaid rates and charges which have been recorded, the penalties, and fifty cents (\$0.50) for the notice of sale in exchange for the least quantity of the property. If no person offers to purchase a parcel, the treasurer shall strike it off to the district. Purchaser

5810.07. The treasurer shall keep in his office a record of all parcels sold, showing: Record of parcels sold

(a) The date of sale.

(b) The name of the purchaser and his address.

(c) A description of property sold, and the sale price.

5810.08. Redemption may be made within one year of the treasurer's sale or foreclosure. In case of redemption the purchaser shall be entitled to interest at the rate of 2 percent a month from the date of sale. Redemption

5810.09. One year after the treasurer's sale, the treasurer shall make a deed of the property sold to the purchaser. The treasurer's deed is conclusive evidence of the regularity of the sale and vests title in the purchaser free and clear of all encumbrances except taxes and assessments. Deed as evidence

5810.10. Any legal proceeding asserting the invalidity of the sale shall be begun before the expiration of the period of redemption, and after the deed has been issued no defense that the sale is invalid may be asserted. Limitation on action contesting validity of sale

5810.11. By ordinance, the district board may establish additional remedies for collecting and enforcing rates and Additional remedies



charges, and may change the remedies established by it in order to facilitate collection.

Use of  
remedies

5810.12. In the discretion of the district board, the remedies for collecting rates and charges set out in this article are cumulative and may be pursued alternately, or any of them may be used consecutively. Until the principal and interest of revenue bonds are fully paid, any holder of an unpaid revenue bond may compel the use of the remedies provided by this chapter.

### Article 13. Additional Revenue and Refunding Revenue Bonds

(Article 13 added by Stats. 1951, Ch. 439, as part of codification)

Issuance

5820. Additional revenue bonds for additions to, enlargements of, or extensions and improvements of, a sewage system may be issued when authorized by vote pursuant to this chapter for the issuance of the first issue of revenue bonds.

Election  
ordinance

5820.01. The ordinance calling the election for additional revenue bonds shall recite:

(a) The objects for which the revenue bonds are to be issued.

(b) The estimated cost of the proposed additions, enlargements, extensions, or improvements.

(c) The estimated amount of the incidental expense in connection with the construction.

(d) The amount of the principal of the revenue bonds to be issued therefor.

(e) The rate of interest to be paid on the revenue bonds.

(f) The date on which the election shall be held.

Maximum  
rate

5820.02. In lieu of the recitation required by subdivision (e), Section 5820.01, the district board may at its discretion recite a maximum rate of interest which shall not be exceeded if the revenue bonds are issued.

Interest

5820.03. Interest on the additional revenue bonds shall be payable semiannually and shall not exceed 6 percent a year.

Ordinance:  
Contents

5820.04. The ordinance shall contain:

(a) A statement that the additional revenue bonds shall be payable solely from revenues of the proposed additions, enlargements, extensions, or improvements.

(b) A list of the rates and charges for the different classes of users of the additions, enlargements, extensions, or improvements.

Same

5820.05. If the holders or owners of 75 percent of the revenue bonds outstanding at the time additional revenue bonds are to be issued agree that the additional revenue bonds may be issued, in place of the statement required by Section 5820.04, the ordinance shall contain statements that:

(a) The bonds shall be payable solely from revenues derived from the sewage system, as added to, enlarged, extended, or improved.

(b) The additional revenue bonds shall have a parity of lien with the outstanding revenue bonds upon the revenues of the sewage system, as added to, enlarged, extended, or improved.

5820.06. The additional revenue bonds shall be subordinate to prior issues for the same sewage system in the application of revenues unless one of the following exist: Priority of bonds

(a) The ordinances authorizing prior issues have authorized an additional issue of revenue bonds.

(b) The owners of 75 percent of the outstanding revenue bonds, at the time the additional bonds are to be issued, agree that additional revenue bonds may be issued.

5820.07. If the additional revenue bonds are not subordinate to prior issues, they shall all be paid from the revenues of the entire sewage system and have a parity of lien on the revenues. Same

5820.08. If, exclusive of governmental bodies or public corporations, the holders or owners of 75 percent or more of the principal amount of the revenue bonds assent to a refunding and agree to the terms of issuance of the refunding bonds at the time of refunding, revenue bonds issued pursuant to this chapter may be refunded by other revenue bonds of the district. Refunding revenue bonds

5820.09. If the required number of bondholders assent, all revenue bonds shall be subject to call pursuant to the terms of the agreement. Call

5820.10. When the call is made all revenue bondholders shall exchange their bonds for refunding revenue bonds, or cash provided by the sale of refunding revenue bonds, pursuant to the terms of the agreement. Same: Exchange

5820.11. One issue of revenue bonds may be issued for refunding, and for additions to, enlargements, extensions of, or improvements of, a sewage system if it is authorized by both of the following: Purposes for issuance

(a) The agreement of the owners or holders of 75 percent or more of the revenue bonds pursuant to Section 5820.08.

(b) A majority of all those voting on the proposition of issuing the revenue bonds favor issuance.

5820.12. The ordinance calling the election shall recite: Election ordinance: Contents

(a) The purposes for which the proposed revenue bonds are to be issued.

(b) The amount of revenue bonds to be issued.

(c) The rate of interest to be paid, or a maximum rate which shall not be exceeded in the issuance of the revenue bonds.

5820.13. The interest on all revenue bonds issued pursuant to Section 5820.11 shall be payable semiannually, and shall not exceed 6 percent a year. Interest

5820.14. If there is a surplus in any sewage system fund, at its discretion, the district board may purchase outstanding revenue bonds at not more than their par value. Use of surplus funds

5820.15. The district board shall invite proposals for the sale of outstanding revenue bonds by publishing notice once. Revenue bond sale notice

The notice shall state the amount of money available for the purchase.

Acceptance  
of proposal

5820.16. All proposals shall be opened in public and the lowest offer may be accepted.

Rejection  
and purchase  
by board

5820.17. The board may reject any or all proposals and thereafter purchase the revenue bonds at private sale, but it shall not pay more at private purchase than the lowest price submitted at the public bidding. Revenue bonds so purchased shall be immediately canceled by the treasurer.

Revenue bond  
indentures

5820.18. When revenue bonds are to be issued pursuant to this article, the district board may enter into indentures or agreements containing any or all of the following provisions:

(a) Providing for the amount, form, and maturities of the revenue bonds and coupons.

(b) The terms and conditions upon which the revenue bonds shall be issued, sold, retired, or refunded.

(c) Providing minimum reserve requirements for revenue bonds.

(d) Providing for the rates and charges to be made for all services, and the conditions under which established rates and charges may be reduced or increased.

(e) Providing that the amounts to be raised in each year by rates and charges shall be not less than the amounts required for the payment of principal and interest of revenue bonds, amount needed for current administrative, operating, and maintenance costs for that year, and the reserve requirements as are specified in the indenture or agreement.

(f) Providing for the protection of the holders of the revenue bonds to be issued.

(g) Providing methods by which the indenture or agreement may be amended, and refunding revenue bonds issued or additional revenue bonds issued.

(h) Prescribing the percentage of the holders in principal amount of the revenue bonds issued required to consent to the amendment of the indenture or agreement, or the issuance of additional or refunding revenue bonds.

#### Article 14. Validation

(Article 14 added by Stats. 1951, Ch. 439, as part of codification)

Action to  
determine  
validity  
of bonds

5830. Within 60 days after an election authorizing the issuance of any general, revenue, or refunding bonds, the district board may cause an action to be brought, in the name of the district in the superior court of the county in which all or the greater portion of the district is located, to determine the validity of the bonds.

Refunding  
bonds

5830.01. The district board may cause a refunding bond validation action to be brought within 60 days after the effective date of the ordinance authorizing the issuance of refunding bonds.



5830.02. The validation action is an action in rem, and jurisdiction of all parties interested may be had by publication of summons at least once a week for three weeks in a paper of general circulation published in the county where the action is pending. The paper shall be designated by the court having jurisdiction of the action.

Action  
in rem  
Jurisdiction  
of parties:

5830.03. Jurisdiction is complete 10 days after the full publication of the summons and anyone interested may appear prior to such date and contest the validity of the bonds. If there is more than one action involving the validity of the bonds, they shall be consolidated.

Same

Consolidation  
of actions

5830.04. The validation action shall be speedily tried and judgment rendered declaring the bonds to be valid or invalid. Either party may appeal to the Supreme Court within 30 days after the rendition of the judgment. The appeal shall be heard and determined within three months after the appeal is taken.

Trial

Appeal

5830.05. After the expiration of 90 days after the election no action shall be brought to contest the validity of the bonds and proceedings.

Limitation

5830.06. The court hearing any action inquiring into the regularity, legality, or correctness of the proceedings leading up to the issuance of bonds, or the validity of the bonds, shall disregard any error which does not affect the substantial rights of the parties to the action.

Effect of  
errors in  
proceedings

5830.07. The rules of pleading and practice provided by the Code of Civil Procedure, which are not inconsistent, are applicable to all actions provided for in this chapter. The motion for a new trial of any such action shall be heard and determined within 10 days after the filing of the notice of intention.

Rules of  
pleading, etc.

5830.08. The costs of any action provided for by this chapter may be allowed and apportioned between the parties, or taxed to the losing party, in the discretion of the court.

Costs

## DIVISION 6. SANITARY DISTRICTS

Part 1. (Original, Sanitary District Act of 1891, Sections 5500 to 5867, inclusive, repealed by Stats. 1939, Ch. 1124.)

Part 2. (Original, Sanitary District Act of 1919, Sections 5901 to 6347, inclusive, repealed by Stats. 1939, Ch. 1124. See new Part 2 below.)

### PART 1. SANITARY DISTRICT ACT OF 1923

(Originally Part 3. Heading amended by Stats. 1939, Ch. 1124.)

#### CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

6400. "District," as used in this part, means a district formed pursuant to this part or pursuant to any law which it supersedes.

"District"

6401. "Board" or "district board," as used in this part, means the governing board of a district.

"Board"

- "Secretary" 6402. "Secretary," as used in this part, means the secretary of a district.
- "Assessor" 6403. "Assessor," as used in this part, means the assessor of a district.
- "Tax collector" 6404. "Tax collector," as used in this part, means the tax collector of the county in which a district is located.
- "Treasurer" 6405. "Treasurer," as used in this part, means the treasurer of the county in which a district is located.
- "Garbage" 6406. "Garbage," as used in this part, shall include all of the following: (a) animal, fruit and vegetable refuse; (b) offal; (c) leaves and cuttings, trimmings from trees, shrubs and grass; (d) inorganic refuse and rubbish; (e) anything thrown away as worthless.  
(Added by Stats. 1939, Ch. 304. See below.)
6406. (Added by Stats. 1939, Ch. 1124; repealed by Stats. 1941, Ch. 990. See above.)
- "District Investigation Act of 1933" 6407. Districts formed or proposed to be formed under this division of this code are not subject to the "District Investigation Act of 1933."  
(Added by Stats. 1947, Ch. 1521; amended by Stats. 1951, Ch. 992.)

## CHAPTER 2. FORMATION

### Article 1. Petition

- Petition 6420. Whenever 25 persons in any county desire the formation of a sanitary district within the county, they may sign and present a petition to the board of supervisors of the county.
- Contents of petition 6421. The petition shall contain:  
(a) The name of the proposed district.  
(b) The boundaries of the proposed district.  
(c) A request that the territory within the boundaries be formed into a district as provided by this part.
- Petitioners 6422. Each petitioner shall be a resident and freeholder in the proposed district.
- Verification 6423. The petition shall be verified by the affidavit of one of the petitioners.
- Publication of petition 6424. The petition shall be published for at least two weeks preceding the hearing in a newspaper of general circulation published in the county.
- Notice of time 6425. With the petition there shall be published a notice stating the time when the petition will be presented to the board of supervisors, and that all persons interested may appear and be heard.

### Article 2. Hearing

- Hearing 6440. At the time designated the board of supervisors shall hear the petition, and may adjourn the hearing from time to time.

6441. The board of supervisors shall not modify the boundaries of the proposed district as set forth in the petition so as to exclude from the proposed district any land which would be benefited by the formation of the district, nor shall there be included in the proposed district any lands which will not in the judgment of the board be benefited.

Modification of boundaries

6442. If the board of supervisors concludes that any land has been improperly omitted from the proposed district and the owner has not appeared at the hearing, it shall continue the further hearing of the petition, and shall order notice given to the nonappearing owner, requiring him to appear before it and show cause, if any he has, why his land should not be included in the proposed district.

Further notice

6443. The notice shall be given either by publication in the same manner as the original petition and for the same period, or by personal service on each nonappearing owner.

Publication

6444. If the notice is given by personal service, it shall be given at least three days prior to the date fixed for the further hearing.

Personal service of notice

6445. The board of supervisors may grant further continuances, by order entered in its minutes, to the end that a full hearing may be had.

Continuance of hearing

6446. Upon the final hearing of the petition, the board of supervisors, if it approves the petition as originally presented or in a modified form, shall make an order containing:

Approval of petition

(a) A description of the exterior boundaries of the proposed district, as determined by the board of supervisors.

(b) The date on which an election will be held in the proposed district.

6447. The order shall:

(a) Fix the day of the election, which shall be within 60 days from the date of the order.

Order calling election

(b) State that at the election there shall be elected a district assessor, and five members of the board.

6448. The order shall be entered in the minutes of the board of supervisors, and is conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was, at the time of the signature and presentation of the petition, a resident and freeholder in the proposed district.

Entry of order

### Article 3. Election on Formation and for Officers

6460. Except as otherwise specifically provided in this article, the provisions of the chapter of this part on elections govern the election on the question of organizing a district and the election of the first district officers, and the board of supervisors of the county and the county clerk shall perform the duties conferred by that chapter on the district board and its secretary, respectively.

Official duties in connection with elections

6461. A copy of the order shall be posted for four successive weeks prior to the election in three public places in the proposed district and shall be published once a week for

Posting or publication



four successive weeks prior to the election in a newspaper published in the proposed district, if there is one, and if not, in a newspaper published in the county.

**Polling places** 6462. At least 15 days prior to the election, the board of supervisors shall select one, and may select two or more, polling places in the proposed district, and shall make suitable arrangements for the election.

(Amended by Stats. 1945, Ch. 1337.)

**Ballots** 6463. The ballots shall contain the words, "Sanitary district: Yes," and "Sanitary district: No," or equivalent words, and the names of the persons to be voted for at the election.

**Officers elected** 6464. At the election there shall be elected an assessor and the members of the board.

**Formation upon election** 6465. If a majority of the votes cast are in favor of formation of the district, the board of supervisors shall make and cause to be entered in its minutes an order that a district of the name and with the boundaries stated in the order calling the election, setting forth the boundaries, has been established.

The order is conclusive evidence of the fact and regularity of all prior proceedings required by this part or by law, and of the existence and validity of the district.

**Failure to form** 6466. If a majority of the votes cast are against formation of the district, the board of supervisors shall by order entered in its minutes so declare, and no other proceeding shall be taken in relation thereto until the expiration of one year from the date of the presentation of the petition to the board of supervisors.

### CHAPTER 3. OFFICERS

**Officers** 6480. The officers of the district are an assessor and five members of the board.

**Powers of board** 6481. The board is the governing power of the district, and exercises all district powers, except the making of an assessment roll in the first instance.

**Terms of board members** 6482. Except as to those members of the board who are elected at the election on formation, the term of office of each member of the board is four years and each holds office until the election and qualification of his successors.

**Vacancies** 6483. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by a majority of the remaining members of the board.

**Staggered terms** 6484. The members of the board elected at the election as a result of which the district was organized or, if the district is reorganized under this part, then the five members in office at the time of the reorganization, shall at their first meeting, or as soon thereafter as may be practicable, so classify themselves, by lot, that they shall go out of office as follows:

(a) Two shall serve until the election held in the first even-numbered year after the year in which the district is formed or reorganized, and until the election and qualification of their successors.

(b) Three shall serve until the second even-numbered year after the district is formed or reorganized, and until the election and qualification of their successors.

(Amended by Stats. 1949, Ch. 977.)

6485. Elections for members of the board shall be held as follows: Time of election

(a) For two members every fourth year beginning with the first even-numbered year after the year in which the district is formed or reorganized.

(b) For three members every fourth year beginning with the second even-numbered year after the year in which the district is formed.

(Amended by Stats. 1949, Ch. 977.)

6486. At its first meeting, or as soon thereafter as may be practicable, the board shall choose one of its members as president, and shall appoint a secretary who may be a member of the board. President and secretary

(Amended by Stats. 1945, Ch. 1337.)

6487. All contracts, deeds, warrants, releases, receipts, and documents shall be signed in the name of the district by its president, and countersigned by its secretary. Signatures

6488. The board shall hold such meetings, either in the day or in the evening, as may be convenient. Meetings

In case of the absence or inability of the president or secretary to act, the board shall choose a president pro tem., or secretary pro tem., or both as the case may be.

6489. Each of the members of the board shall receive fifteen dollars (\$15) for each day of his actual attendance of the meetings of the board. No member of the sanitary board shall, however, receive more than thirty dollars (\$30) in any calendar month. The secretary of the sanitary board shall receive compensation to be set by the sanitary district board, not to exceed one hundred dollars (\$100) a month, which compensation shall be in lieu of any other compensation to which he may be entitled by reason of attendance at the meeting or meetings of the sanitary board. Compensation

Each member of the sanitary board shall be allowed seven cents (\$.07) per mile, without any constructive mileage, for his expenses of traveling necessarily done by automobile, and his actual traveling expenses when he travels by rail.

(Amended by Stats. 1939, Ch. 239, and by Stats. 1947, Ch. 205.)

6489.5. Every member of the board, whether elected or appointed, may be recalled by the voters in accordance with the recall provisions of Chapter 2 of Division 13 of the Elections Code applicable to officers of counties. Recall

(Added by Stats. 1951, Ch. 398.)

6490. A general regulation of the board shall be entered in its minutes, and shall be published once in a newspaper published in the district, if there is one, and if not, then it shall be posted for one week in three public places in the district. Publication of regulations

A subsequent order of the board that publication or posting has been made is conclusive evidence that the publication or posting has been properly made.

A general regulation takes effect upon expiration of the week of publication or posting.

Entry of  
orders

6491. Unless otherwise provided by this part, orders not establishing a general regulation need not be published or posted, but shall be entered in the minutes, and the entry shall be signed by the secretary.

It takes effect upon the entry in the minutes.

District  
attorney

6492. The board may instruct the district attorney of the county to commence and prosecute any or all actions and proceedings necessary or proper to enforce any of its regulations or orders, and may call upon him for advice as to any sanitary subject; and the district attorney shall obey the instructions and give advice when requested by the board.

Special  
counsel

6493. The board may at any time employ special counsel for any purpose.

Assessor:  
Election

6494. There shall be an election for assessor in each even-numbered year in which members of the board are elected, and at the same time, place, and manner; provided, however, that if a district board has elected to avail itself of the county assessment roll for district taxation pursuant to Article 6 of Chapter 7 of this part, no assessor shall thereafter be elected until it shall again elect the use of its own tax roll.

Term

The assessor holds office for two years, and until the election and qualification of his successor except that the first assessor elected holds office until the election and qualification of his successor.

Vacancy

If a vacancy occurs in the office of assessor, the board shall appoint a suitable person to fill the vacancy until the next election at which an assessor may be elected under this part.

(Amended by Stats. 1951, Ch. 584.)

Duties

6495. The assessor's duties are fixed by this part and he shall perform such other duties as are ordered or required by the board.

Compensation

6496. The assessor shall receive such compensation as shall be fixed by the board.

Classification  
of places of  
employment

6497. (1) The sanitary board of sanitary districts shall classify all the places of employment in or under the district, and in or under all the offices and departments of the district, with reference to the examinations hereinafter provided for. The places so classified by the sanitary board shall constitute the classified civil service of the district, and no appointment to any such place shall be made except according to the rules hereinafter mentioned.

Rules

(2) The sanitary board shall make rules to carry out the purposes of this section, and for examinations, appointments, promotions, and removals, and may from time to time make changes in existing rules. All rules and all changes therein shall be forthwith printed for distribution by the sanitary board.



(3) The examinations shall be practical in their character, and shall relate to those matters only which will fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include, when appropriate, tests of manual or professional skill. The selection of laborers shall be governed by priority of application as far as may be practicable. No questions in any examination shall relate to political or religious opinions or affiliations. The sanitary board shall control all examinations.

Examinations

(Added by Stats. 1949, Ch. 977.)

6499. Any county officer required to act as an officer of the district and perform services for the district by virtue of his office, shall be entitled to reimbursement from the district for the expenses incurred by him while acting on behalf of the district, to be paid into the county treasury.

Reimbursement of county officer

(Added by Stats. 1951, Ch. 466.)

## CHAPTER 4. DISTRICT POWERS

### Article 1. Generally

6510. A district may use a seal, alterable at the pleasure of the board.

Seal

Power to sue and be sued

Garbage dump, sewers, etc.

6511. It may sue and be sued by its name.

6512. It may acquire, construct, reconstruct, alter, enlarge, lay, renew, replace, maintain, and operate such garbage dump sites and garbage collection and disposal systems, sewers, drains, septic tanks, and sewerage collection, outfall, treatment works and other sanitary disposal systems, and storm water drains and storm water collection, outfall and disposal systems, as in the judgment of the board shall be necessary and proper, and in the performance of these functions, either in or out of the district, it may join with any county or municipality or any other district or governmental agency.

Before any garbage dump shall be established the location shall first be approved by the county health officer, and in addition, if the location is within two miles of any city the consent of the governing body of the city shall first be secured.

Approval of garbage dump site

(Amended by Stats. 1939, Ch. 304, and by Stats. 1943 (4th Ex. Sess.), Ch. 53.)

6513. It may permit the use of any property of the district by any county or municipality, or any other district or governmental agency.

Use of property by other agencies

(Amended by Stats. 1943 (4th Ex. Sess.), Ch. 53.)

6514. It may, for the purposes specified in this part, acquire by purchase, gift, devise, condemnation proceedings, or otherwise, such real and personal property and rights of way, either within or without the limits of the district, as in the judgment of the board are necessary or proper to the exercise of its powers, and particularly for the purpose of permitting ingress to and egress from such real or personal property, and pay for and hold them.

Acquisition of property

(Amended by Stats. 1939, Ch. 304.)

**Contracts**      **6515.** It may make and accept contracts, deeds, releases, and documents that, in the judgment of the board, are necessary or proper in the exercise of any of the powers of the district.

**Bids**            **6515.5.** If the total cost of any work exceeds two thousand five hundred dollars (\$2,500), the district shall publish a notice requesting bids therefor by publication for once a week for two consecutive weeks in a newspaper of general circulation in the county in which the district is located and award the contract to the lowest responsible bidder. The notice shall state the time and place for receiving and opening of sealed bids and describe in general terms the work to be done.

If more than one bid is received, the board shall award a contract, as specified in the notice requesting bids, to the lowest responsible bidder. If only one bid is received, the board may either accept the bid or reject it and enter into a contract as provided in Section 6515 or order the work done by day's work. If no bids are received, the board may either enter into a contract as provided in Section 6515 or order the work done by day's work.

**Application of section**      This section shall have no application where the work is done pursuant to those acts set forth in Sections 6541 and 6541.5 of this code.

**Void contracts**            Any contract to which this section applies that is not let pursuant to this section is void.

(Added by Stats. 1951, Ch. 1104.)

**Payments**            **6516.** It may pay lawful claims and demands against it.

**Employees**            **6517.** It may employ and pay necessary agents and assistants.

**Sewers in public ways**      **6518.** It may lay its sewers and drains in any public street or road in the county, and for this purpose enter upon it and make all necessary and proper excavations, restoring it to proper condition. The work of restoring and repairing any such public street or road in the county shall be done under the supervision and control of the county engineer or road commissioner at the cost of the district, and in accordance with the standards established by ordinance of the board of supervisors for restoring and repairing county roads. If the street or road is in a city the consent of the proper city authorities shall first be obtained.

(Amended by Stats. 1951, Ch. 923.)

**Collect waste and garbage**      **6518.5.** It may collect waste and garbage.

(Added by Stats. 1939, Ch. 303.)

**Elections**            **6519.** It may call and conduct all necessary or proper elections.

**Power to compel use of sewers**            **6520.** It may compel all residents and property owners in the district to connect their houses and habitations and structures requiring sewerage or drainage disposal service with the sewers and storm drains in streets and to use the garbage collection and disposal system.

(Amended by Stats. 1943 (4th Ex. Sess.), Ch. 53.)

6520.5. It may, by an order approved by a two-thirds vote of the members of the board, prescribe, revise and collect, fees, tolls, rates, rentals, or other charges for services and facilities furnished by it in connection with its sanitation or sewerage systems. Revenues derived by the district under the provisions in this section shall be used only for the acquisition, construction, reconstruction, maintenance and operation of sanitation or sewerage facilities; provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers.

(Added by Stats. 1947, Ch. 1286.)

6521. It may make and enforce all necessary and proper regulations for:

- (a) The removal of garbage.
- (b) The cleanliness of the roads and streets of the district.
- (c) All other sanitary purposes not in conflict with the laws of this State.

6521.5. Any district may exercise the power granted to sanitation districts by Section 4765 of this code.

(Added by Stats. 1949, Ch. 1018.)

6522. It may do any act necessary or proper to the complete exercise and effect of any of its powers, or for the purposes for which it is formed.

6523. A violation of a regulation or ordinance of a district is a misdemeanor punishable by fine not to exceed one hundred dollars (\$100), imprisonment not to exceed one month, or both.

6523.1. It may borrow money and incur indebtedness and guarantee the performance of its legal or contractual obligations whether heretofore or hereafter incurred; and also refund or retire any public indebtedness or lien that may exist or be created against the district or any property therein which shall have arisen out of the transaction of the affairs of the district.

(Added by Stats. 1947, Ch. 1375.)

## Article 1.5. Inclusion in County Sanitation District

(Article 1.5 added by Stats. 1947, Ch. 1375)

6524. Any district organized under the provisions of this act may become a part of a county sanitation district after the board of supervisors of the county within which the district is located, has, after a hearing, pursuant to the County Sanitation District Act, found and determined by resolution duly adopted that such inclusion is for the best interest of the district and the governing body of the district consents thereto by resolution adopted by the affirmative vote of four-fifths of its members.

(Added by Stats. 1947, Ch. 1375.)

6525. A sanitary district which becomes a part of a county sanitation district as hereinabove provided for is not thereby dissolved, but may continue to function, except as herein otherwise provided, in the same manner as heretofore.

(Added by Stats. 1947, Ch. 1375.)



Subsequent  
inclusion

6526. When a sanitary district is not included in a county sanitation district at the time of formation of the latter, it may subsequently become included within such county sanitation district, upon its sanitary board adopting a resolution, by the affirmative vote of four-fifths of its members, declaring its intention so to do.

(Added by Stats. 1947, Ch. 1375.)

Transfer of  
facilities,  
etc.

6527. Following the formation of such county sanitation district it shall have no jurisdiction within such sanitary district until the legislative body of such sanitary district shall, by resolution adopted by the affirmative vote of no less than four-fifths of its members, determine what facilities and functions of constructing, maintaining and operating sanitary sewerage facilities of such sanitary district shall be transferred to such county sanitation district.

(Added by Stats. 1947, Ch. 1375.)

Filing copies  
of resolu-  
tions

6528. Copies of the resolutions herein mentioned, duly certified by the clerk or secretary of the respective legislative bodies, shall be filed with the county clerk, in the respective files of such sanitary district and county sanitation district, and with the county assessor, and such resolutions shall not be effective until said copies are so filed.

(Added by Stats. 1947, Ch. 1375.)

Scope of  
article

6529. Nothing herein shall prevent any territory within a county sanitation district from being formed into or annexed to any sanitary district, and such territory shall thereafter become subject to this article.

(Added by Stats. 1947, Ch. 1375.)

## Article 2. Sewer Maintenance in Cities

Contract  
with city

6530. At any time after the sewer or other sanitary system is constructed the governing body of any city lying within the limits of the district may elect to keep and maintain the lateral sewer lying within the city in order and repair and may enter into an agreement with the board to do so.

From the date of the agreement the governing body shall keep the lateral in repair and the board is not required to keep it in order or repair.

After a city elects to keep the lateral sewers within its corporate limits in order and repair the property within the corporate limits of the city shall not be taxed for running expenses necessary to keep and maintain the lateral sewer lying within the city in order and repair but shall be taxed for the inspection and repairs of the main sewers lying within the city together with the expense of those functions other than sewerage collection within the city performed by the district pursuant to Section 6512 hereof.

(Amended by Stats. 1949, Ch. 1201.)

6531. Where an entire district shall have heretofore become Merger located within the boundaries of a city by reason of the incorporation thereof, and said district shall have continued thereafter to function as a sanitary district, and no court having jurisdiction of the subject matter shall have adjudicated that said district has merged with said city, and a portion of the boundary of said district shall thereafter have become extended beyond the territorial limits of said city by reason of annexation thereto, said district shall during all said times be and constitute a legally existing sanitary district and shall not thereafter be deemed or adjudged to have merged with said city by reason of said original inclusion therein.

(Added by Stats. 1949, Ch. 977.)

### Article 3. Application of Other Statutes

6540. Except as to State highways where the State Highway Engineer refuses to issue a permit, with the consent of the legislative body having jurisdiction of the territory within which it is proposed so to do, expressed by resolution of such governing body, the board may order the construction of sewers and appurtenances in the whole or any portion of any of the streets, highways, or public places of the district, or in property or in rights of way owned by the district, and acquire property, rights of way, and easements therefor, and may provide that the cost shall be assessed upon the fronting lots and lands or on a special district. Assessment  
of costs  
against  
fronting lots  
or districts

(Amended by Stats. 1939, Ch. 303, Ch. 566 and Ch. 1124.)

6541. The Improvement Act of 1911, the Street Opening Act of 1903, and the Improvement Bond Act of 1915 are Applicable  
statutes applicable to districts.

(Amended by Stats. 1939, Ch. 566 and Ch. 1124.)

6541.5. The Street Improvement Act of 1913 is applicable Terms in  
applicable  
statutes to districts.

(Added by Stats. 1939, Ch. 303; amended by Stats. 1941, Ch. 1072.)

6542. In the application of those acts to proceedings under this article the terms used in those acts shall have the following meanings:

- (a) "City council," and "council," mean board.
- (b) "City," and "municipality," mean district.
- (c) "Clerk," and "city clerk," mean secretary.
- (d) "Superintendent of streets," "street superintendent," and "city engineer" mean the engineer of the district, or any other person appointed to perform such duties.
- (e) "Tax collector," means county tax collector.
- (f) "Treasurer," and "city treasurer," mean any person or official who has charge of and makes payment of the funds of the district.
- (g) "Right of way," means any parcel of land through which a right of way has been granted to the district for the purpose of constructing and maintaining a sewer.

- Powers of officers** 6543. The powers and duties conferred by those acts and supplementary acts upon boards, officers, and agents of cities shall be exercised by the respective boards, officers, and agents of the district.
- Restriction** 6544. The improvements authorized to be constructed or acquired by this article are restricted to those permitted to be constructed or acquired by such districts under Article 1 of this chapter.  
(Added by Stats. 1941, Ch. 1072.)
- Lien** 6545. No assessment or bond hereafter levied or issued shall become a lien and no person shall be deemed to have notice thereof until a certified copy of said assessment and the diagram thereto attached shall be recorded in the office of the county surveyor if the improvement district or any part thereof is in unincorporated territory and with the superintendent of streets of the city or cities if the improvement district or any part thereof is in incorporated territory.  
(Added by Stats. 1941, Ch. 1072.)

## CHAPTER 5. ELECTIONS

### Article 1. Generally

- Conduct of elections** 6560. The election on the question of formation of a district and all district elections shall be conducted as nearly as practicable in accordance with the general laws, except that the requirements as to the form of ballots and the nomination of candidates do not apply.
- Voters in district** 6561. Every voter resident within the district or a proposed district for the period requisite to enable him to vote at a general election, is entitled to vote at district elections.
- Voters in annexation election** 6562. At an annexation election every qualified voter resident in the territory proposed to be annexed for the length of time necessary to enable him to vote at a general election may vote.  
(Amended by Stats. 1949, Ch. 977.)
- Registration** 6563. At district elections the last great register of the county shall be used, and any person otherwise entitled to vote whose name is not upon the register is entitled to vote upon producing and filing with the election board a certificate, under the hand and seal of the county clerk, showing that his name is registered and uncanceled upon the great register of the county.
- Polling places** 6564. The board may select not more than ten polling places.  
(Amended by Stats. 1947, Ch. 205, and by Stats. 1949, Ch. 977.)
6565. (Repealed by Stats. 1949, Ch. 977.)
- Officers of elections** 6566. For all elections the board shall appoint one inspector and two judges of the election for each polling place, and make all necessary and proper arrangements for holding the election.



6567. These election officers constitute the election board. Election board

6568. If no election officers are appointed, or if those appointed are not present at the time of the opening of the polls, the voters present may appoint them and they shall conduct the election. Absent election board

## Article 2. Election of Officers

6580. All elections of officers, after the formation of the district shall be held on the first Monday after the second Tuesday in September. Date of elections

(Amended by Stats. 1951, Ch. 458 and Ch. 1494.)

NOTE: Section 6580 as amended by Stats. 1951, Ch. 458, reads as follows:

6580. All elections of officers, after the formation of the district shall be held on the first Tuesday after the first Monday of November in each even-numbered year.

6581. Not less than 20 days before the day of the election the board shall give notice of the election by posting notices in three public places in the district. Notice

The notices shall specify the time and place of election, the hours during which the polls will be kept open, and the officers to be elected.

6582. The name of a candidate shall be printed on the ballot, when a nominating petition has been filed with the secretary. Nomination by petition

6583. The nominating petition shall consist of not less than five nor more than 20 signatures. Signatures on petition

6584. It shall read substantially as follows: Form of petition

### NOMINATING PETITION

State of California }  
County of \_\_\_\_\_ } ss.

I (or we) the undersigned certify that I join in a petition for the nomination of \_\_\_\_\_ for the office of \_\_\_\_\_ of the sanitary district (naming it) \_\_\_\_\_ to be voted for at the election on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. I am a qualified elector, residing in the district. I am not at this time a signer of any other petition nominating any other candidate for the office, or in case there are several places to be filled in the same office I have not signed more petitions than there are places to be filled in the office.

(Signed) \_\_\_\_\_

State of California }  
County of \_\_\_\_\_ } ss.

\_\_\_\_\_ being first duly sworn deposes and says: That he is one of the persons who signed the foregoing petition and that the signatures are the signatures of the persons whose names they purport to be.

One or more sheets  
One candidate  
Signers

6585. The nominating petition may be upon one or more sheets of paper.

Each petition shall contain the name of only one candidate.

6586. Each signer shall be a qualified elector, residing in the district, and shall not at the time of the signing have his name signed to any other petition for any other candidate for the same office, nor in case there are several places to be filled in the same office, signed to more petitions for that office than there are places to be filled for that office.

Verification

6587. The petitions shall be verified under oath of one of the signers, that the signatures are the signatures of the persons whose names they purport to be.

When filed

6588. A nominating petition may be presented to the secretary not earlier than 30 nor less than 20 days before the election.

Indorsement of date on petition

6589. The date upon which the petition is presented shall be indorsed on it by the secretary.

Examination of petition

6590. When a petition is presented for filing the secretary shall forthwith examine it and ascertain whether or not it conforms to this part.

If found not sufficient it shall be returned to the person who presented it.

Ballots to be printed

6591. The secretary shall cause the ballots to be printed and they shall contain the names of the candidates whose petitions have been filed as provided in this part.

County clerk's duties

6592. Where a district has not already been formed the county clerk shall perform the duties of the secretary concerning nominations.

Canvass

6593. The election board shall publicly canvass the votes immediately after the closing of the polls, and shall certify the result to the board within 24 hours after the closing of the polls.

Within five days after the election the board shall canvass the returns, and shall deliver a certificate of election to each person elected.

### Article 3. Bond Elections

Notice of bond election

6610. Notice of bond elections shall be given by posting notices, signed by not less than a majority of the board, in three public places in the district, not less than 20 days before the election, and by publishing the notice not less than once a week for three successive weeks before the election in a newspaper printed and published in the district, if there is one, and if not, in a newspaper printed and published in the county.

Contents of notice

6611. The notice shall contain :

(a) Time and place of holding the election.

(b) The names of the officers of election appointed to conduct it.

(c) The hours during the day in which the polls will be open.

(d) A statement of the purpose for which the election is held.

(e) The amount of the proposed bonds, the rate of interest or maximum rate of interest to be paid and the number of years not to exceed which the whole of the bonds are to run.

(Amended by Stats. 1949, Ch. 977.)

6612. The vote shall be by ballot, without reference to the Ballot general law in regard to form of ballot.

The ballot shall contain the words "Bonds—Yes" and "Bonds—No," and the person voting at the election shall put a cross (+) upon his ballot after the "Yes" or "No" to indicate whether he has voted for or against the bonds.

6613. After the votes have been announced the ballots Canvass shall be sealed and delivered to the secretary or president of the board, which board shall on the seventh day after the election, at 8 o'clock p.m., meet and canvass them and enter the returns in its minutes.

The entry is conclusive evidence of the fact and regularity of all prior proceedings, and of the facts stated in the entry.

#### Article 4. Annexation Elections

6625. Notice of an annexation election shall be given by Notice of election posting a copy of the order calling the election for four successive weeks prior to the election, in three public places within the district and the territory proposed to be annexed, and by publication once a week for four successive weeks prior to the election in a newspaper published in the district, if there is one, and if not, in a newspaper published in the county.

6626. The ballot shall contain the words, "For annexation Ballot to the sanitary district," and "Against annexation to the sanitary district," and there shall be a voting square to the right of and opposite each proposition.

6627. After the votes have been announced the ballots Canvass shall be sealed and delivered to the secretary or president, and the board shall, as soon as practicable proceed to canvass them.

6628. Immediately upon the completion of the canvass the Entry of result board shall cause a record to be made and entered upon its minutes showing the number of votes cast in the district, the number of votes cast in the territory proposed to be annexed, the number of votes cast in each in favor of annexation, and the number cast in each against annexation.

6629. The entry of the order canvassing said election is Effect of entry of order conclusive evidence of the fact and legality of all prior proceedings and of the facts stated in the entry.

(Added by Stats. 1949, Ch. 977.)



## CHAPTER 6. BONDS

## Article 1. Generally

Authority	6640. A district may issue bonds as provided in this part.
Purposes	6641. A district may issue bonds to raise money for any of the purposes stated in Section 6512 hereof. (Amended by Stats. 1939, Ch. 304, and by Stats. 1943 (4th Ex. Sess.), Ch. 53.)
Order calling election	6642. By order entered in its minutes, when in its judgment it is advisable, the board may and shall, upon a petition of a majority of the qualified electors residing in the district, call an election and submit to the electors of the district the question whether bonds shall be issued.
Requirements of order	6643. The order calling the election shall be signed by two-thirds of the members of the board, and may submit as one proposal the question of issuing bonds to make all of the outlays, or so many of them as may be selected, or the order may submit at the election as separate questions the issuance of bonds for any of the outlays singly or in combination.
Two-thirds vote required	6644. If, at the election, two-thirds of the votes cast are in favor of the issuance of bonds, the board may issue and dispose of the bonds as proposed in the order calling the election.
Denomination of bonds	6645. Bonds issued by the district under the provisions of this part shall be of such denominations as the board determines, except that no bonds shall be of a denomination less than one hundred dollars (\$100), or greater than one thousand dollars (\$1,000).
Rate of interest	6646. The bonds shall be payable in lawful money of the United States at the office of the treasurer and bear interest at a rate not exceeding 6 per cent per annum, payable semi-annually in like lawful money.
Payment on date specified	6647. No bonds shall be payable in installments, but each shall be payable in full on the date specified therein by the board. The board may provide that all bonds issued by the district may be subject to retirement at any time prior to maturity. (Amended by Stats. 1939, Ch. 304, and by Stats. 1949, Ch. 977.)
Signatures	6648. Each bond shall be signed by the president and countersigned by the secretary.
Coupons	The bonds shall be numbered consecutively, beginning with number one, and shall have coupons attached referring to the number of the bond.
Sale	6649. The bonds shall be disposed of by the board in such manner and in such quantities as may be determined by it in its discretion. No bond may be disposed of for less than its face value.
Term of bonds	6650. The term of bonds issued shall not exceed 40 years.
Bond limit	6651. The outstanding bonds of the district shall not at any one time exceed 15 per cent of the assessed value of the real and personal property in the district. 6652. (Repealed by Stats. 1949, Ch. 977.)

6653. If the result of any election upon the question of the issuance of bonds is in favor of issuance, the board may, in its discretion, before issuance, commence in the superior court of the county, a special proceeding to determine its right to issue the bonds and their validity, similar to the proceeding in relation to irrigation bonds, provided for by "The California Irrigation District Act," and all supplementary acts, and all their provisions apply to and govern the proceedings to be commenced by the board, so far as applicable.

Determina-  
tion of  
validity  
of bonds

The judgment has the same effect as a judgment in relation to irrigation bonds under the provisions of that act.

6654. (1) An issue of bonds is hereby defined to be the aggregate principal amount of all of the bonds authorized to be issued in accordance with a proposal submitted to and approved by the electors of the district, but no indebtedness will be deemed to have been contracted until bonds shall have been sold and delivered and then only to the extent of the principal amount of bonds so sold and delivered.

Issue of  
bonds

(2) The sanitary board of any district issuing any bonds heretofore or hereafter authorized may, in its discretion, divide the aggregate principal amount of such issue into two or more divisions or series and fix different dates for the bonds of each separate division or series. In the event any authorized issue is divided into two or more divisions or series, the bonds of each division or series may be made payable at such time or times as may be fixed by the legislative body of the district separate and distinct from the time or times of payment of bonds of any other division or series of the same issue.

Division of  
principal

(3) The provisions of this section shall also apply to bonds issued in an annexed territory and to reconstruction bonds and refunding bonds.

Applicability  
of provisions

(Added by Stats. 1949, Ch. 977.)

6655. Bonds may be made payable on a date subsequent to the time fixed for the collection of the second installment of general district taxes with which the first levy of taxes for the payment of the principal and interest of said bonds is to be collected. In such event, the first interest coupons shall be for interest from the date of said bonds of such issue or series or division to the maturity date of said coupons.

Time of  
payment

(Added by Stats. 1951, Ch. 1648. Effective July 23, 1951.)

## Article 2. Bonds of Annexed Territory

(Heading amended by Stats. 1943 (4th Ex. Sess.), Ch. 53)

6660. At any time after the annexation of territory, the board may issue bonds to raise money for any of the purposes stated in Section 6512 hereof in or for the benefit of said annexed area in the same manner as in any other part of the district, except, only qualified electors resident within the annexed territory are entitled to petition or vote in the proceedings. In the event any such bonds are issued in such annexed territory, or in lieu thereof proceedings are had under Article 3 of Chapter 4

Bonds for  
facilities in  
annexed  
territory

of this part, said territory shall not be subject to taxation for any bonds of the district or of any area previously annexed thereto theretofore authorized to be issued for one or more of the same purposes under Article 1 of Chapter 6 of this part. When no such bond proceedings are intended to be taken in such territory, then in the order of the sanitary board fixing the boundaries thereof, or by resolution adopted subsequently thereto when it is found by said sanitary board to be necessary in order to provide equality of taxation in said annexed area, said sanitary board may determine that said annexed area shall not be subject to taxation for any prior indebtedness of said district or of any other part thereof. Certified copies of said resolution shall be filed with the county clerk and also with the county assessor and thereafter said annexed area shall not be subject to taxation for any such prior indebtedness.

(Amended by Stats. 1943 (4th Ex. Sess.), Ch. 53, and by Stats. 1947, Ch. 1375.)

Effect of  
provisions

6661. The provisions of this part with reference to bonds in annexed territory do not limit the powers or alter the procedure provided for the issuance of bonds by an entire district and payable out of taxes levied upon all taxable property whether the boundaries of the district remain as originally established or have been altered by annexation.

(Amended by Stats. 1943 (4th Ex. Sess.), Ch. 53.)

### Article 3. Reconstruction Bonds

Bonds for  
new or larger  
system

6670. Whenever the board shall by order passed by a vote of two-thirds of all its members, approved by the president, and entered in the minutes, determines that the public interest or necessity of the district demands the construction of a larger main sewer or a different system, it may call an election for the purpose of determining whether bonds shall be issued for the determined purpose.

The proceedings in respect to the issuance of bonds for the determined purpose shall in every respect, except as otherwise provided in this section, conform to the requirements of this part with reference to bonds for original construction.

### Article 4. Exchange of Bonds

Exchange of  
bonds upon  
reorgani-  
zation

6680. After a district organized under the Sanitary District Act of 1891, or Chapter 161, Statutes of 1891, has been reorganized under this part the entire amount of bonds issued by it under either act may be presented by the holder to the board, and there shall be issued in exchange to the holder, by the board, bonds issued in accordance with this part for the various amounts of the bonds surrendered.

Installments

6681. The new bonds shall be payable as nearly as practicable at the same time as the installments on the old bonds and in equal amounts.

Interest

Interest on the new bonds shall be paid at the same time and rate as on the old bonds.



The amount of the new bonds payable in any one year shall equal the amount of the installments on the old bonds payable in that year. Annual amount payable

6682. The expenses of the exchange shall be borne by the holder of the bonds presented for exchange. Expense of exchange

6683. After the exchange the old bonds shall be canceled by punching holes in the signatures, and shall be retained by the county treasurer. Cancellation of old bonds

### Article 5. Refunding Bonds

(Article 5 added by Stats. 1939, Ch. 304)

6690. The board may cause refunding bonds to be issued for the purpose of refunding any or all outstanding bonds of the district. Power to issue refunding bonds

(Added by Stats. 1939, Ch. 304.)

6691. Refunding bonds shall be issued and delivered only when the bonds to be refunded have matured or are about to mature or are subject to retirement before maturity, or, if the outstanding bonds are not subject to retirement the retirement thereof shall have been assured or obtained by consent of the holders thereof. Purpose of refunding bonds

(Added by Stats. 1939, Ch. 304.)

6692. Except as otherwise provided in this article, refunding bonds shall be issued in substantially the manner and form prescribed for the issuance of other bonds under this part and the provisions of this part concerning the authorization, certification, issuance, and sale of bonds shall be applicable to bonds issued under this article. Manner and form

(Added by Stats. 1939, Ch. 304.)

6693. The board desiring to refund any of its bonds may formulate a proposed plan for that purpose and shall call an election for the purpose of authorizing the issuance of such refunding bonds. Election

The election shall be called and held and the result thereof determined and declared substantially in the same manner as provided by this part for the issuance of other bonds of the district.

(Added by Stats. 1939, Ch. 304.)

6694. Only a majority vote shall be required to authorize the issuance of refunding bonds. Majority vote

(Added by Stats. 1939, Ch. 304.)

6694.1. The maturity date of refunding bonds shall be fixed by the board but in no case shall the maturity of any such bonds be more than 40 years from the date thereof. Maturity date

(Added by Stats. 1939, Ch. 304.)

6694.2. The rate of interest on refunding bonds shall not exceed 6 per cent per annum payable semiannually. Interest

(Added by Stats. 1939, Ch. 304.)

6694.3. Refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of the bonds to be refunded thereby and in addition all expenses Amount

incidental to the calling, retiring or payment of such outstanding bonds and the issuance of such refunding bonds.

(Added by Stats. 1939, Ch. 304.)

## CHAPTER 7. FINANCES AND TAXATION

### Article 1. Generally

**Tax limit** 6695. Except as otherwise provided in this part, no more than forty cents (\$0.40) on each one hundred dollars (\$100) assessed valuation shall be levied for all the district purposes in any one year, besides what is required for the payment of the bond principal and interest for that year.

(Amended by Stats. 1939, Ch. 1059.)

**When board may prescribe methods** 6696. The board may prescribe the time and manner of assessing, levying, and collecting taxes for district purposes, except as otherwise provided in this part.

**Purpose of tax** 6697. District taxes may be assessed, levied, and collected for any or all of the following purposes:

(a) To pay the principal and interest of the bonds issued by the district.

(b) To raise money for any of the purposes stated in Sections 6512 and 6660 hereof.

(c) To pay any lawful claims against the district.

(d) To pay the running expenses of the district.

(Amended by Stats. 1939, Ch. 304, and by Stats. 1943 (4th Ex. Sess.), Ch. 53.)

**Amount of tax** 6698. The board shall annually levy a tax upon the taxable property in the district sufficient to pay the interest on bonds for the year, and such portion of the principal as is due or is to become due during the year, so that the entire amount of principal and interest of the bonds shall be paid at or before maturity, and in any event within 40 years of the date of issuance of the bonds.

**Unpaid interest on principal** 6699. If any portion of the interest or principal due for any year remains unpaid, it shall be added to the levy for the next year, and shall be collected and paid accordingly.

**Forty-year bond limit** 6700. The payment of the principal and interest of all bonds, within 40 years from their issuance, is the obligation of the district; and, if necessary to accomplish that purpose, a special tax shall be levied.

**Special tax** 6701. Taxes for the payment of the principal and interest of bonds of annexed territory shall be limited to the taxable property in the annexed territory.

(Amended by Stats. 1943 (4th Ex. Sess.), Ch. 53.)

### Article 2. Assessment by District Assessor

**Assessment by district assessor** 6715. Between the first Mondays in March and July annually the assessor shall assess all taxable property in the district to the persons by whom it was owned or claimed, or in whose possession or control it was at 12 o'clock noon of the first Monday in March next preceding.

6716. No mistake in the name of the owner of any property, or any informality in the description or in other parts of the assessment, shall invalidate the assessment. Mistakes

6717. The assessor shall verify his assessment roll, and shall deposit it with the board on the first Monday in July in each year, or as soon thereafter as is practicable. Verification and deposit of roll

6718. All the provisions of law relating to assessment of property by county assessor shall, so far as applicable, apply to and govern the acts of the assessor in the assessment of taxable property in the district. Applicable laws

### Article 3. Equalization of Assessments by District Assessor

6730. Annually, on the first Monday of July at 7.30 p.m. the board shall meet as a board of equalization. Board of equalization

6731. If the district assessor has returned the assessment roll for the year the board shall proceed to equalize the assessments. To proceed if roll returned

6732. If the assessment roll has not been returned by the district assessor the board shall adjourn from day to day until the roll has been returned, and for the purpose of adjournment one or more of the members of the board present may make and announce the adjournment. Adjournment

6733. When the assessment roll is returned by the district assessor, the board shall equalize the assessments, and the board shall continue in session as a board of equalization with reasonable intermissions until the roll has been examined, rectified, and equalized. Duty to equalize

6734. The board may hear complaints as to the proceedings of the district assessor and adjudicate and determine the controversy. It may of its own motion raise an assessment, after such reasonable notice to the party whose assessment is to be raised, as may be ordered by the board. Hearings  
Modification

### Article 4. Levy of Tax

6745. After the equalization of the assessments has been completed, the board shall, by resolution, fix the rate of taxation for district purposes, designating the number of cents on each one hundred dollars (\$100) to be levied for each fund and shall designate the fund into which the proceeds shall be paid. Fixing of rate

6746. After the entry in the minutes of the resolution fixing the rate of the tax the board shall cause the district assessor to compute the amount of the tax upon each item of real and personal property, and enter the amount on the assessment roll. Computation of tax

6747. When completed, the roll shall be verified by the district assessor and signed by the president and secretary. Signatures

The amount of the tax then is a lien on the property against which it is assessed, and has the effect of a judgment against the owner. Tax lien



The lien has the force and effect of an execution duly levied against all the property of the delinquent, and is not satisfied and the lien is not extinguished until the taxes are paid or the property sold to satisfy them. The statute of limitations shall not apply.

#### Article 5. Collection

- Roll trans-  
mitted to  
tax collector** 6760. As soon as practicable, but not later than the third Monday in August, after the taxes have been computed and extended on the assessment roll, verified by the district assessor and signed by the president and secretary of the board, the board shall transmit, or cause the district assessor to transmit, the roll or a duplicate to the tax collector of the county.
- Collection** 6761. The tax collector shall collect the taxes shown to be due, in the same manner as he collects the county taxes.
- Applicable  
laws** 6762. All the provisions of the laws of the State as to the collection of taxes and delinquent taxes, and the enforcement of their payment, so far as applicable, apply to the collection of district taxes.
- Collection  
by district  
attorney** 6763. The board may direct the district attorney of the county to commence and prosecute suits for the collection of the whole or any portion of the delinquent taxes.
- The district attorney shall carry out such directions of the board.
- The district attorney and the sureties on his official bond are responsible for the due performance of the duty imposed upon him by this part.
- Remittance  
by district  
attorney** 6764. All money collected for district purposes by the district attorney under this part shall be at once paid to the treasurer.
- Collection  
system** 6765. The board may at any time, by order entered in its minutes, provide a system for the collection of delinquent taxes, or make any change in the manner of their collection.
- Remittance  
by tax  
collector** 6766. The tax collector shall immediately pay to the treasurer all money collected by him for district purposes and the treasurer shall keep it in the county treasury as provided in this part.
- Official bond** 6767. The tax collector and the sureties on his official bond are responsible for the due performance of the duties imposed upon him by this part.

#### Article 6. Use of County Assessor's Roll

- Authority to  
use county  
assessment** 6780. The board may elect to avail itself of the assessment made by the assessor of the county in which the district is situated, and may take that assessment as the basis for district taxation.
- Resolution of  
intention** 6781. The board shall declare its election by resolution and shall file a certified copy with the auditor and the assessor of the county on or before the first Monday in February of the year in which the district proposes to use the county assessment roll.

Until the board by resolution elects otherwise all taxes shall be levied by the board of supervisors of the county in which

the district is situated and collected by the county assessor and tax collector of the county.

(Amended by Stats. 1939, Ch. 1059.)

6782. Following the board's election, the county auditor shall before July 20th of each year transmit to the board a written statement showing the total value of all property in the district, which value shall be ascertained from the assessment roll used by the county for that year.

Statement  
of assessed  
value

(Amended by Stats. 1939, Ch. 1059.)

6783. The board shall then, on or before July 20th, estimate the amount of money needed and fix the rate of taxation for district purposes and for the payment of the principal and interest of that year upon outstanding bonds and the payment of the principal and interest that the board believes will become due during the year on bonds authorized but not sold.

Fixing rate  
of tax

(Amended by Stats. 1939, Ch. 1059.)

6784. The board shall designate the number of cents on each one hundred dollars (\$100) to be levied for each fund and the fund into which the proceeds shall be paid, using as a basis the value of property as assessed on the county roll.

Designation  
of amount  
for each fund

6785. When so determined, the board shall certify to the board of supervisors of the county in which the district is situated the amount of money needed and the rate of taxation fixed. The board of supervisors shall thereafter levy a tax at the rate certified upon all taxable property in the district, at the time of making the levy of county taxes for the particular year.

Board to  
transmit  
statement  
of rate fixed

Levy

(Repealed and added by Stats. 1939, Ch. 1059.)

6786. The auditor shall then compute and enter in a separate column in the county assessment roll the respective sums to be paid as a district tax on the property in the district, using the rate of levy as fixed by the board and the assessed value as found on the assessment roll.

Computation  
of tax

The taxes shall be collected at the same time and in the same manner as county taxes are collected, and when collected shall be at once paid to the treasurer.

Collection  
of tax

(Amended by Stats. 1939, Ch. 1059.)

6787. The taxes are a lien on all the property in the district, and the taxes, whether for the payment of a bonded indebtedness, or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection shall be enforced by the same means as provided for the enforcement of liens for county taxes.

Tax lien

## Article 7. Funds

6790. In a fund called the "bond fund of sanitary district" (naming it) the treasurer shall keep the money levied by the board for that fund.

Bond fund

6791. No part of the money in the bond fund may be transferred to any other fund or be used for any purpose other than the payment of the principal and interest of the bonds of the district, and for the retirement of bonds that have been issued

Use of bond  
fund

by a district that formerly formed a part of the district while any bonds are unpaid.

Running  
expense fund

6792. In a fund called the "running expense fund of ----- Sanitary District" (naming it) the treasurer shall place and keep the money levied by the board for that fund.

Transfer  
of funds

6793. The whole or any part of the money in the running expense fund shall be transferred to the bond fund, or to any other fund provided for in this part, on the order of the board.

Payments

6794. The treasurer shall pay out money of the district only upon the written order of the board, signed by the president and countersigned by the secretary.

The order shall specify the name of the person to whom the money is to be paid, the fund from which it is to be paid, and shall state generally the purpose for which the payment is to be made.

Accounts

The order shall be entered in the minutes of the board.  
6795. The treasurer shall keep the order as his voucher, and shall keep a specific account of receipts and disbursements for the district.

Sewer con-  
struction  
fund

6796. The proceeds of the sale of bonds shall be deposited with the treasurer and shall be by him placed in the fund to be called the "sewer construction fund of ----- Sanitary District" (naming it).

Use of sewer  
construction  
fund

6797. The money in the sewer construction fund shall be used for the purpose indicated in the order calling the election upon the question of the issuance of the bonds, and for no other purpose, but, if after those purposes are entirely fulfilled any balance remains in the fund, the balance may, upon the order of the board, be transferred to either of the other funds provided by this part.

Disposition  
of fines

6798. All fines for the violation of any regulation or order of the board shall, after the expenses of the prosecution are deducted, be paid to the secretary, who shall forthwith deposit them with the treasurer, who shall place them in the running expense fund of the district.

Official bonds

6799. The county treasurer and sureties upon his official bond are liable for the due performance of the duties imposed upon him by this part.

Purchase of  
unmatured  
bonds

6800. Notwithstanding the provisions of any other section of this article, the board may, out of any surplus funds remaining in the bond fund, the running expense fund or the sewer construction fund, purchase in the open market its outstanding unmatured bonds.

No bonds shall be purchased at a price above par and accrued interest plus an allowance of six months interest from the date of purchase. All bonds so purchased shall be canceled.

(Added by Stats. 1939, Ch. 304.)

## CHAPTER 8. REORGANIZATION

Reorgani-  
zation

6810. A district organized under Chapter 161, Statutes of 1891, or under the Sanitary District Act of 1919 may be reorganized as a district under this part.



6811. To effect the reorganization a petition, signed by not less than 25 residents and freeholders within the district, and also by a majority of the members of the district board, shall be presented to the board of supervisors.

Petition to  
reorganize

6812. The petition shall be verified by at least one of the petitioners in the manner prescribed by law for the verification of pleadings, and shall set forth the boundaries and name of the district and pray that it be reorganized under this part.

Contents of  
petition

6813. The petition shall be published for at least two weeks preceding the hearing in a newspaper of general circulation published in the county, together with a notice stating the time when the petition will be presented to the board of supervisors, and that all persons interested may appear and be heard.

Publication

6814. At that time the board of supervisors shall hear the petition.

Hearing

The board of supervisors shall not modify the boundaries of the district as set forth in the petition so as to exclude from the district any land which would be benefited by the reorganization of the district under this part, nor shall any lands which will not in the judgment of the board of supervisors be benefited by the reorganized district be included within the district.

Modification  
of boundaries

6815. If the board of supervisors finds, upon the final hearing of the petition, that the statements therein are correct the board shall make an order approving the petition, describing the boundaries of the territory included within the district, and declaring that the territory is organized as a district under this part.

Findings

6816. From and after the making of the order of reorganization by the board of supervisors, the district is organized under this part with all the powers conferred by this part.

Order of re-  
organization

The persons in office at the time of the reorganization are entitled immediately to enter upon the duties of the like offices of the reorganized district and shall continue to serve until the election and qualification of their respective successors in accordance with this part.

Officers

6817. A district reorganized under this part is for all purposes the district previously existing.

Effect of re-  
organization

6818. Reorganization shall not affect or impair the title to any property owned or held by or in trust for the district, or any debt, demand, liability, or obligation existing in favor of or against the district, or any proceeding then pending.

Effect on  
property

6819. Reorganization shall not operate to repeal or affect in any manner any ordinance previously passed or adopted and remaining unrepealed, or to discharge any person from any liability then existing for any violation of the ordinance. Proceedings commenced before reorganization shall, after reorganization, be conducted in accordance with this part.

Reorganiza-  
tion not  
to affect  
rights and  
liabilities

Contracts  
with gov-  
ernmental  
agencies  
re joint  
facilities

6823. The district may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation, for the joint acquisition or construction or use of any sewer or sewers or other works or facilities for the handling, treatment or disposal of sewage or industrial waste from the district and such other area as may be designated in said contract, when in the judgment of the legislative body of said district it is for the best interests of the district so to do. Any such contract may provide for the construction and maintenance of such sewer or sewers, or such other works or facilities, and for the payment by or for the parties thereto of such proportionate part of the cost of the acquisition, construction or maintenance of such sewer or sewers or other works or facilities as may be stated in said contract, the payments to be made at such times and in such amounts as may be provided by said contract. Any such contract may provide for the joint use of any sewer or sewers, works or facilities for the handling, treatment or disposal of sewage or industrial waste upon such terms and conditions as may be agreed upon by the parties thereto, and for the flowage, treatment or disposal of sewage or industrial waste from such area for each of the parties thereto as may be described in the contract.

Any district which has acquired or constructed or which proposes to acquire or construct, any sewer or sewers, or works or other facilities for the handling, treatment or disposal of sewage or industrial waste, may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation for the use of any such sewer or sewers, works or facilities by any such county, city and county, municipal corporation, district or other public corporation, or for the flowage, treatment or disposal of sewage or industrial waste from any area designated by such person, firm or corporation so contracting, upon such terms and conditions as may be provided in said contract.

(Added by Stats. 1949, Ch. 843.)

## CHAPTER 9. ANNEXATION

### Article 1. Generally

**Territory**

6830. In the manner provided in this part, there may be annexed to a district any of the following territory which is in the same county as the district:

- (a) Any territory contiguous to the district.
- (b) Any territory any point of which touches any point of the district.
- (c) Any territory separated from the district by a "separating barrier," which term includes a street, road, highway, railway line, railway crossing, railway right of way, water course, lagoon, or other natural barrier.

Any territory specified in this section may consist of one or more separate parcels of land, but it is not necessary that all parcels shall constitute in the aggregate one tract of land. (Amended by Stats. 1941, Ch. 5, and by Stats. 1941, Ch. 225.)

## Article 2. Annexation by Election

6840. A petition signed by 25 per cent of the freeholders residing in the territory proposed to be annexed as shown by the last equalized assessment roll of the county, shall be presented to the board. Petition

6841. The petition shall designate specifically the boundaries of the territory proposed to be annexed, and its assessed valuation as shown by the last equalized assessment roll; shall state that the territory is not within the limits of any other sanitary district; and shall ask that the territory be annexed to the district. Requirements of petition

6842. The petition shall be accompanied by a bond in the sum of not less than one hundred dollars (\$100), to be approved by the board and filed with the secretary as security for the payment by the petitioners of the reasonable costs of the election on annexation, in the event that at the election less than a majority of the votes cast are in favor of annexation. Expense bond

6843. The petition shall be verified by the affidavit of one of the petitioners. Verification

6844. The petition shall be published for at least two weeks preceding its hearing in a newspaper of general circulation published in the district, if there is one, and if not, in a newspaper of general circulation published in the county, together with a notice stating the time when the petition will be presented to the board and that all persons interested may appear and be heard. Notice

6845. At the time specified for the hearing the board shall hear the petition and may adjourn the hearing from time to time. Hearing

6846. The board shall not modify the boundaries of the territory proposed to be annexed as set forth in the petition so as to exclude any land that would be benefited by the annexation of the territory to the district, nor shall any lands that will not be benefited by annexation to the district be included within the boundaries of the territory proposed to be annexed. Modification of boundaries

6847. Upon the final hearing of the petition the board, if it approves the petition as originally presented or in a modi- Order calling election



fied form, shall make an order describing the exterior boundaries of the territory proposed to be annexed and ordering that an election be held for the purpose of determining whether or not the territory shall be annexed to the district.

Order to  
set date  
and show  
boundaries

6848. The order shall fix the day of the election, which shall be within 60 days from the date of the order, and shall show the boundaries of the territory proposed to be annexed to the district.

Effect of  
entry of  
order

6849. This order shall be entered in the minutes and is conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was at the time of the signing and presentation of the petition qualified to sign.

Order  
approving  
petition after  
election

6850. If a majority of the votes in the territory proposed to be annexed, at an election called therein by the district board for that purpose, are in favor of the annexation the secretary shall make and cause to be entered in the minutes and endorsed on the petition an order approving the petition, and the petition shall be transmitted to and filed with the board of supervisors.

(Amended by Stats. 1949, Ch. 977.)

Effect of or-  
der approv-  
ing petition

6851. The entry is conclusive evidence of the fact and regularity of all prior proceedings of every kind required by law, and of the facts stated in the entry.

Order of  
annexation

6852. The board of supervisors, at its next regular meeting after filing of the petition, shall by an order alter the boundaries of the district and annex to it the territory described in the petition.

Effect of  
order of  
annexation

6853. The order of the board of supervisors is conclusive evidence of the validity of all prior proceedings leading up to the annexation and recited in the order, and from and after the order the territory is a part of the district.

Failure of  
annexation  
on election

6854. If at the election less than a majority of the votes in the territory proposed to be annexed are in favor of the annexation of the territory to the district, the signers of the petition shall, within ten days after the canvassing of the votes of the election, pay to the board the reasonable cost of the election, and if not paid within ten days, the board may sue on the bond to recover the cost of the election.

Expenses

(Amended by Stats. 1949, Ch. 977.)

No further  
election for  
one year

6855. If the result of the election is against annexation the board shall, by order, disapprove the petition and enter the order in its minutes. No other proceedings shall be taken in relation thereto until the expiration of one year from the presentation of the petition, except to collect the costs of the election.

### Article 3. Annexation Without an Election

Annexation  
without  
election

6870. Any territory specified in Section 6830 of this code may be annexed without an election in the following manner.  
(Amended by Stats. 1941, Ch. 5.)

6871. A petition signed by the owners of real property in the territory proposed to be annexed, which real property represents at least 75 per cent of the total assessed valuation of the territory as shown by the last equalized county assessment roll shall be presented to the board. Petition

6872. The petition shall designate specifically the boundaries of the territory and its assessed valuation as shown by the last equalized county assessment roll and shall show the amount of real property owned by each of the petitioners and its assessed valuation as shown by the last equalized county assessment roll. Requirements of petition

6873. The petition shall state that the territory is not in any other sanitary district and shall ask that the territory be annexed to the district. Petition to ask annexation

6874. The petition shall be verified by the affidavit of one of the petitioners. Verification

6875. It shall be published at least two weeks preceding the hearing, in a newspaper of general circulation published in the district, if there is one, and if not, in a newspaper of general circulation published in the county. Publication

6876. With the petition there shall be published a notice stating the time when the petition will be presented to the board, and stating that all persons interested may appear and be heard. Notice

6877. At the time designated the board shall hear the petition, and any person interested and may adjourn the hearing from time to time. Hearing

6878. Upon the hearing of the petition the board shall determine whether or not it is for the best interests of the district and the contiguous territory that the territory be annexed to the district and the board may modify the boundaries of the territory proposed to be annexed as set forth in the petition. Modification of boundaries

6879. However, the board shall not modify the boundaries of the territory proposed to be annexed as set forth in the petition so as to exclude any land that would be benefited by annexation, nor shall any land that would not be benefited by annexation, be included within the boundaries of the territory proposed to be annexed. Limitation on power to modify boundaries

6879.5. If there is or has been presented to the board a petition containing the signatures of owners of real property in the territory proposed to be annexed, which real property represents at least 75 per cent of the total assessed valuation of the territory exclusive of any potential "separating barrier," as defined in Section 6830 of this code, the board may, in the manner specified in this article, proceed to publish the petition and notice of hearing and hear the petition. If, at the hearing, the board finds (a) that the territory described in the petition contains any potential "separating barrier," and (b) that such potential "separating barrier" would not Barrier

be benefited by annexation and should be excluded from the territory to be annexed, the board shall modify the boundaries of the territory proposed to be annexed as set forth in the petition by excluding the "separating barrier."

(Added by Stats. 1941, Ch. 5.)

District  
board's  
approval of  
annexation

6880. If the board upon final hearing determines that it is for the best interests of the district and of the territory proposed to be annexed that the territory be annexed, it shall make an order describing the boundaries of the territory proposed to be annexed and shall present to the county board of supervisors a petition setting forth the proceedings theretofore taken for the annexation of the territory, the finding of the board, and requesting the board of supervisors to annex the territory to the district.

Order of  
annexation

6881. The board of supervisors shall, at its next regular meeting, after the presentation of the petition, by an order alter the boundaries of the district and annex to it the territory described in the petition of the board and the territory is then a part of the district.

#### Article 4. Annexation of Territory Not Contiguous

(Article 4 added by Stats. 1947, Ch. 1196)

Annexation  
without  
election

6885. Territory which is in the same county as the district but which is not contiguous to the district nor of a class specified in Section 6830 may be annexed without an election in the following manner.

(Added by Stats. 1947, Ch. 1196.)

Petition

6885.1. A petition signed by the owners of real property in the territory proposed to be annexed, which real property represents at least 75 percent of the total assessed valuation of the territory as shown by the last equalized county assessment roll shall be presented to the board.

(Added by Stats. 1947, Ch. 1196.)

Same:  
Contents

6885.2. The petition shall designate specifically the boundaries of the territory and its assessed valuation as shown by the last equalized county assessment roll and shall show the amount of real property owned by each of the petitioners and its assessed valuation as shown by the last equalized county assessment roll.

(Added by Stats. 1947, Ch. 1196.)

Same

6885.3. The petition shall state that the territory is not in any other sanitary district and shall ask that the territory be annexed to the district.

(Added by Stats. 1947, Ch. 1196.)

Verification

6885.4. The petition shall be verified by the affidavit of one of the petitioners.

(Added by Stats. 1947, Ch. 1196.)

Determina-  
tion

6885.5. If the board determines that it is for the best interests of the district and of the territory proposed to be annexed that the territory be annexed, it shall determine by order the terms and conditions upon which such annexation should be



made. Provision may be made for payment by the territory to be annexed of the expenses of acquiring, constructing, and maintaining a sewer line connecting such territory with the district by incurring indebtedness, making a payment or payments, the payment of special taxes within the territory to be annexed in addition to taxes elsewhere in this division provided for, or by any combination of such methods.

(Added by Stats. 1947, Ch. 1196.)

6885.6. A hearing shall be had on the petition and the terms and conditions fixed by the board. The petition and the terms and conditions of annexation shall be published at least two weeks preceding the hearing, in a newspaper of general circulation published in the district, if there is one, and if not, in a newspaper of general circulation published in the county. Hearing

(Added by Stats. 1947, Ch. 1196.)

6885.7. With the petition and the terms and conditions of the annexation there shall be published a notice stating the time and place at which the hearing on the proposed annexation will be held, and stating that all persons interested may appear and be heard. Notice

(Added by Stats. 1947, Ch. 1196.)

6885.8. At the hearing any person interested may file written objections to the approval of the terms and conditions with the board. Objections

(Added by Stats. 1947, Ch. 1196.)

6885.9. Upon the hearing the board shall determine whether or not the terms and conditions will be approved and shall hear and determine all objections thereto. Failure of any person interested in the district or in the matter of the proposed annexation on the terms and conditions fixed by the board to show cause in writing as aforesaid shall be deemed and taken as an assent on his part to a change in the boundaries of the district upon the terms and conditions set forth in the order of the board. Determination

(Added by Stats. 1947, Ch. 1196.)

6886. Any hearing on the proposed annexation may be adjourned from time to time by the board, not exceeding 30 days in all, without further notice other than an order to be entered upon the minutes of the meeting fixing the time and place of adjournment. Adjournment

(Added by Stats. 1947, Ch. 1196.)

6886.1. If no protests are filed or the protests filed are overruled and denied by the board the board shall thereupon make an order describing the boundaries of the territory proposed to be annexed and the terms and conditions of the annexation. The order shall be published in a newspaper of general circulation published in the district, if there is one, and if not, in a newspaper of general circulation published in the county, and with such order shall be published a statement that written Order  
Publication

consents may be filed with the board by landowners in the territory proposed to be annexed, as provided in Section 6886.3.

(Added by Stats. 1947, Ch. 1196.)

Dismissal of  
proceedings

6886.2. If protests against the proposed annexation are sustained, all proceedings shall be dismissed and no proceedings shall be undertaken again concerning the territory or any part thereof until after the expiration of one year.

(Added by Stats. 1947, Ch. 1196.)

Request for  
annexation

6886.3. If within 30 days of the publication of the order of the board written consents to the proposed annexation upon the terms and conditions set forth in the order are filed with the board by owners of real property in the territory proposed to be annexed, which real property represents at least 75 per cent of the total assessed valuation of the territory as shown by the last equalized county assessment roll, the board shall present to the board of supervisors a petition setting forth the proceedings theretofore taken for the annexation and requesting the board of supervisors to annex the territory to the district.

(Added by Stats. 1947, Ch. 1196.)

Order of  
annexation

6886.4. The board of supervisors shall, at its next regular meeting, after the presentation of the petition, by an order alter the boundaries of the district and annex to it the territory described in the petition of the board and the territory is then a part of the district and subject to the terms and conditions of the annexation.

(Added by Stats. 1947, Ch. 1196.)

## CHAPTER 9.5. CONSOLIDATION WITHOUT AN ELECTION

(Chapter 9.5 added by Stats. 1943, Ch. 1015)

Contiguous  
districts

6890. Two or more contiguous sanitary districts may be consolidated as hereinafter provided for.

(Added by Stats. 1943, Ch. 1015.)

Petition

6891. Whenever a petition signed by 55 per cent of the owners of real property in a district is presented to the board requesting that the district be consolidated with another district the board, after notice, shall hold a hearing on the question of such consolidation.

(Added by Stats. 1943, Ch. 1015.)

Notice

6891.5. The board shall give notice of such hearing by publication in at least one issue of a newspaper of general circulation printed and published in the district, or if no such newspaper is printed and published therein in some newspaper circulated within the district.

(Added by Stats. 1943, Ch. 1015.)

Contents of  
notice

6892. The notice shall specify the time and place of hearing and that the hearing shall be on the question of consolidation with the other district, which shall be designated by name or otherwise identified in the notice.

(Added by Stats. 1943, Ch. 1015.)

Hearing  
and deter-  
mination

6892.5. At the time and place of hearing, as stated in the notice, the board shall hear the evidence for and against the

proposal, and if the board determines that the consolidation would not be for the best interests of the district the proceedings shall terminate.

(Added by Stats. 1943, Ch. 1015.)

6893. If the boards of two districts each determine after such hearing that the consolidation of the districts would be for the best interests of the respective districts the boards shall in joint meeting declare their respective determinations and each shall make an order that thereafter the land within its district shall be and become a part of the consolidated district under such name as the boards shall jointly determine. Thereafter the consolidated district shall constitute a district under such name.

Joint deter-  
minations

(Added by Stats. 1943, Ch. 1015.)

6894. Upon the consolidation of such districts the consolidated district shall be governed by the joint boards until the next ensuing election at which election a new board for the consolidated district shall be elected and the terms of office of the members of each of the two boards shall terminate upon the taking of office by the new directors.

Governing  
board

(Added by Stats. 1943, Ch. 1015.)

6894.5. If at the time of a consolidation there is outstanding any indebtedness of any former district included in the consolidated district, the indebtedness shall be paid in the manner provided for the payment of indebtedness upon a dissolution of a district.

Outstanding  
indebtedness

(Added by Stats. 1943, Ch. 1015.)

6895. A consolidated district shall not be liable for any indebtedness of any former districts included in it which was outstanding at the time of consolidation.

Nonliability

(Added by Stats. 1943, Ch. 1015.)

6895.5. No property in the name of the former districts shall be taxed to pay any indebtedness of any other former district existing at the date of consolidation.

Prohibited  
tax

(Added by Stats. 1943, Ch. 1015.)

## CHAPTER 10. DISSOLUTION

6900. A district may be dissolved upon the vote of two-thirds of its qualified electors, voting at an election called by the district board.

Dissolution  
upon election

The election shall be called and conducted in the same manner as other elections of the district.

(Amended by Stats. 1939, Ch. 621.)

6901. If at the time of dissolution there is no unpaid bonded indebtedness, the whole or that portion of the property of the district lying within the limits of a city shall vest in the city subject to the conditions set forth in this article.

Vesting of  
property

Any portion of the property of the district which is without the corporate limits of any city shall vest in the board of



supervisors until incorporation of a city embracing the territory, at which time the property shall vest in the newly incorporated city.

(Amended by Stats. 1939, Ch. 621.)

Territory  
annexed  
to city

6901.5. If at any time after dissolution the territory lying without the city is annexed to the city, or if thereafter a city is created or formed which embraces the territory lying without a city, then the property, as it then is, shall pass from the board of supervisors and shall vest in the original city or in the newly created city, as the case may be.

(Added by Stats. 1939, Ch. 621.)

Outstand-  
ing debts

6902. If at the time of the election to dissolve the district there is an outstanding bonded indebtedness of the district, the vote to dissolve the district shall dissolve it for all purposes except the levy and collection of taxes for the payment of the indebtedness and for the purpose of assessing, levying, and collecting taxes.

(Amended by Stats. 1939, Ch. 621.)

Ex officio  
board

6903. From the time the district is dissolved, until its bonded indebtedness, with the interest, is paid, satisfied, and discharged, the governing body of the city, where the property of the district lies wholly within the limits of a city, and in all other cases the board of supervisors, is the ex officio board of the district.

Duties:  
Taxation

6904. The ex officio boards shall levy such taxes and perform such other acts as are necessary for the payment of the indebtedness and the interest, and for such other costs and expenses incident to the assessing, levying and collection of such taxes.

(Amended by Stats. 1939, Ch. 621.)

Assessment  
and collec-  
tion of taxes  
by county

6904.5. The governing body of any city acting as an ex officio board may enter into a contract pursuant to law with the county tax assessor to assess the property in the district, and with the county tax collector to collect the taxes thereon, and the money so collected shall at the usual times of settlement, be transmitted by the county tax collector to the treasurer of the city, and shall be used only for the purpose of paying, satisfying and discharging the outstanding bonds as far as possible, and the payment of the interest thereon, and the expenses of assessing and collecting the taxes.

(Added by Stats. 1939, Ch. 621.)

Maintenance  
of system  
by city

6904.6. If a city acquires the whole of the property of the district, or a part of the property, the city shall, at the expense of the city, maintain in proper condition such whole or part of the sewer system within the limits of the city.

(Added by Stats. 1939, Ch. 621.)

Sewer  
maintenance

6905. The ex officio boards shall maintain the sewer system in proper condition and shall fulfill and compel fulfillment of all contracts made by the district for the right of connection made with property lying outside of the boundaries of the district.

6906. The ex officio boards shall maintain and protect all other rights acquired by the district. Protection of rights

6907. The ex officio boards shall not permit connection to be made with the system by any property outside of the boundaries of the district as they existed at the time of dissolution. Connections

6907.5. If a county acquires the whole or any portion of the district, the board of supervisors shall likewise maintain the system acquired, and the expense thereof is a charge upon such area that lies without the limits of any city. Where county acquires all or part of district

(Added by Stats. 1939, Ch. 621.)

## CHAPTER 11. EXCLUSION OF PORTION OF DISTRICT

(Chapter 11 added by Stats. 1947, Ch. 453)

6910. When a portion of a district has been annexed to a city the portion so annexed may be excluded from the district in the manner hereinafter set forth in this chapter, when all of the following conditions exist Exclusion of portion of district

(a) The district has no bonded indebtedness.

(b) There are no other obligations of the district which the portion to be excluded should justly share.

(c) The exclusion will not interfere with the operation of the sewerage system in the balance of the district.

(Added by Stats. 1947, Ch. 453.)

6911. A petition signed by the owners of at least 25 percent of the real property in the portion to be excluded shall be presented to the board of supervisors of the county in which the district is located. Said petition shall contain the following: Petition

(a) A specific description of the area to be excluded.

(b) A statement of facts showing that the conditions set forth in Section 6910 exist.

(c) A description of the property owned by each signer.

(d) A statement by the county assessor of said county that the petition appears to be signed by the owners of at least 25 percent of the real property in the area described in the petition.

(Added by Stats. 1947, Ch. 453.)

6912. Upon receipt of such a petition the board of supervisors shall set the same for hearing on a day not less than 20 days nor more than 35 days thereafter. The clerk of the board of supervisors shall cause a notice of the hearing, which shall contain a description of the property to be excluded, to be published once in a newspaper of general circulation published in the district if there is one, and if not, once in a newspaper of general circulation published in said county at least two weeks preceding the date of hearing. Hearing

(Added by Stats. 1947, Ch. 453.)

6913. At the time designated the board of supervisors shall hear the petition, and any person interested, and may adjourn the hearing from time to time. If the board of supervisors upon final hearing determines that the conditions set forth in Section Order of exclusion

6910 do exist, it shall make an order excluding said portion, describing the same, from the district and, subject to Political Code Section 3720, said portion thereafter is no longer a portion of the district for any purpose except for collection of district taxes theretofore levied.

(Added by Stats. 1947, Ch. 453.)

Notice of  
hearing

6914. Written notice of said proposed hearing shall be mailed by the county clerk to the secretary of the sanitary district. The sanitary board of said district shall report in writing to the board of supervisors as to the extent of such indebtedness and obligations and the effect of such exclusion on the operation of its sewerage system, and said board of supervisors may grant such exclusion after said sanitary board has consented thereto by resolution.

(Added by Stats. 1947, Ch. 1375.)

Territory  
annexed to  
city having  
indebtedness

6915. Territory which is annexed to a city which has a bonded indebtedness or other obligations. (1) If said territory shall be subject to any voted bonds or special assessments or assessment bonds issued or levied by the district or any annexed area thereof, for the cost of acquiring or constructing any sanitary sewerage facilities within or for said territory, said legislative bodies may, in said resolutions or agreement, provide that said territory shall be and remain subject to taxes and assessments therefor. In such event said territory shall not become subject to taxes by said city for the cost of similar facilities acquired or constructed by the city for other than said territory.

Tax  
exemption

Where  
indebtedness  
assumed by  
territory

(2) If any territory so indebted shall have assumed any indebtedness of the city for the cost of acquiring or constructing facility for other than said territory, then said legislative bodies shall provide, in said resolutions or agreement, that (a) said territory shall no longer be taxed by said city for said bonds of the city, or (b) that said territory shall no longer be taxed by said district for bonds of said district, or (c) said city shall agree to semiannually pay into the bond interest and redemption fund of said district an amount which would be levied and collected from said territory, in lieu of such tax or assessment within said territory.

Agreement  
to eliminate  
double  
taxation  
inequality

(3) If said territory must continue to be serviced by facilities of the city, for the use or cost of which the district is required to pay the city any annual or other sum based on sewage flow or population growth of said district, the agreement therefor shall be so modified as to eliminate any inequality which may result from double taxation. This may be by either agreement on the boundaries of the area to be assessed or taxed therefor or by refund by the city to the district or both.

Notice of  
conditions of  
withdrawal

(4) When the city and the district have finally agreed as to the conditions upon which said territory shall be withdrawn from said district, three executed copies of said resolutions or agreement shall be filed with the county clerk, who shall give notice of a hearing thereon not less than ten nor more than thirty days prior to said hearing, by publishing a notice thereof



twice in a newspaper published and circulated in said territory and most likely to give notice therein. Said notice shall describe the territory, and briefly describe the conditions agreed upon and give notice of the time and place of said hearing.

(5) After the board of supervisors has fully heard and considered said matter and all persons interested therein, and, if it shall find that said agreement is fair and equitable, it shall adopt a resolution ordering said exclusion. The conditions agreed upon shall be contained therein. If it shall find that said terms are not fair and equitable, it shall refer said matter to said legislative bodies who shall redetermine said matter as in the first instance and their determination shall again be heard by the board of supervisors as in the first instance.

Resolution  
ordering  
exclusion

(6) When said exclusions have been ordered, certified copies of said resolution, together with certified copies of the resolutions of the city and district, shall be filed by the county clerk in the records of said city and of said district, with the county assessor and county auditor and with the State Board of Equalization, and said territory shall be subject to taxation as therein provided from and after February 1st following the filing of same.

Certified  
copies of  
resolutions

(7) The maps and descriptions accompanying the notice of exclusion required to be filed under Section 3720 of the Political Code shall clearly show by boundaries of the several taxing areas resulting from the agreement.

Boundaries

(Added by Stats. 1949, Ch. 801.)

## PART 2. OTHER SANITARY DISTRICT ACTS

(Part 2 added by Stats. 1941, Ch. 990. See note at beginning of division.)

### CHAPTER 1. GENERAL

(Chapter 1 added by Stats. 1941, Ch. 990)

6935. No right or obligation accrued by the formation, organization, reorganization or operation of a sanitary district pursuant to the provisions of Chapter 161 of the Statutes of 1891 or the provisions of the Sanitary District Act of 1919 is affected by the repeal of those acts and any district so organized or reorganized may continue in existence and subject to the act under which it was organized or reorganized or may reorganize pursuant to this part.

Saving clause

(Added by Stats. 1941, Ch. 990.)

### CHAPTER 2. USE OF COUNTY ASSESSOR'S ROLL

(Chapter 2 added by Stats. 1941, Ch. 990)

6940. Notwithstanding the provisions of Chapter 161 of the Statutes of 1891, or the provisions of the Sanitary District Act of 1919, as the provisions of these acts existed at the time of their repeal, the board of any sanitary district organized or reorganized under and continuing in existence and subject to these acts may elect to avail itself of the assessment roll of

Assessment  
roll

the properties within the district, used by the county in which the district is situated, and may take that assessment as the basis for district taxation.

(Added by Stats. 1941, Ch. 990.)

6940.3. The board shall declare its election by resolution and shall file a certified copy with the auditor and the assessor of the county on or before the first Monday in February of the year in which the district proposes to use the county assessment roll.

Thereafter, until the board by resolution elects otherwise all taxes shall be collected by the county assessor and tax collector of the county.

(Added by Stats. 1941, Ch. 990.)

Statement

6940.6. Following the board's election, the county auditor shall on or before the fourth Monday in August of each year transmit to the board a written statement showing the total value of all property in the district, which value shall be ascertained from the assessment roll used by the county for that year.

(Added by Stats. 1941, Ch. 990.)

Fix rate

6940.9. Not later than the first day of September the district board shall fix the rate of taxation for district purposes and for the payment of the principal and interest of that year upon outstanding bonds and the payment of the principal and interest that the board believes will become due during the year on bonds authorized but not sold.

(Added by Stats. 1941, Ch. 990.)

Designate

6941.3. The board shall designate the number of cents on each one hundred dollars (\$100) to be levied for each fund and the fund into which the proceeds shall be paid, using as a basis the value of property as assessed on the county roll.

The district board shall immediately transmit to the auditor of the county in which the district is situated a statement of the tax rate fixed.

(Added by Stats. 1941, Ch. 990.)

Computation

6941.6. The auditor shall then compute and enter in a separate column in the county assessment roll the respective sums to be paid as a district tax on the property in the district, using the rate of levy as fixed by the board and the assessed value as found on the assessment roll.

The taxes so levied shall be collected at the same time and in the same manner as county taxes are collected, and when collected shall be at once paid to the treasurer.

(Added by Stats. 1941, Ch. 990.)

Lien

6941.9. The taxes are a lien on all the property in the district, and the taxes, whether for the payment of a bonded indebtedness, or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection shall be enforced by the same means as provided for the enforcement of liens for county taxes.

(Added by Stats. 1941, Ch. 990.)

## DIVISION 7. DEAD BODIES

## PART 1. GENERAL PROVISIONS

## CHAPTER 1. DEFINITIONS

7000. The definitions in this chapter apply to this division and to Divisions 8 and 9 of this code. Definitions

7001. "Human remains" or "remains" means the body of a deceased person, and includes the body in any stage of decomposition and cremated remains. "Human remains" or "remains"

7002. "Cremated remains" means human remains after incineration in a crematory. "Cremated remains"

7003. "Cemetery" means any one, or a combination of more than one, of the following, in a place used, or intended to be used, and dedicated, for cemetery purposes: "Cemetery"

(a) A burial park, for earth interments.

(b) A mausoleum, for crypt or vault interments.

(c) A crematory, or a crematory and columbarium, for cinerary interments.

7004. "Burial park" means a tract of land for the burial of human remains in the ground, used or intended to be used, and dedicated, for cemetery purposes. "Burial park"

7005. Except in Part 5 of Division 8 of this code, "mausoleum" means a structure or building for the entombment of human remains in crypts or vaults in a place used, or intended to be used, and dedicated, for cemetery purposes. "Mausoleum"

7006. "Crematory" means a building or structure containing one or more furnaces for the reduction of bodies of deceased persons to cremated remains. "Crematory"

7007. Except in Part 5 of Division 8 of this code, "columbarium" means a structure, room, or other space in a building or structure containing niches for inurnment of cremated human remains in a place used, or intended to be used, and dedicated, for cemetery purposes. "Columbarium"

7008. "Crematory and columbarium" means a building or structure containing both a crematory and columbarium. "Crematory and columbarium"

7009. "Interment" means the disposition of human remains by cremation, inurnment, entombment, or burial. "Interment"

(Amended by Stats. 1939, Ch. 339.)

7010. "Cremation" means the reduction of the body of a deceased person to cremated remains in a crematory and the placement of the cremated remains in a grave, vault, or niche. "Cremation"

7011. "Inurnment" means placing cremated remains in an urn and placing it in a niche. "Inurnment"

7012. "Entombment" means the placement of human remains in a crypt or vault. "Entombment"

7013. "Burial" means the placement of human remains in a grave. "Burial"

(Amended by Stats. 1939, Ch. 339.)

7014. "Grave" means a space of ground in a burial park, used, or intended to be used, for burial. "Grave"



- "Crypt" or "vault" 7015. "Crypt" or "vault" means a space in a mausoleum of sufficient size, used or intended to be used, to entomb uncremated human remains.
- "Niche" 7016. "Niche" means a space in a columbarium used, or intended to be used, for inurnment of cremated human remains.
- "Temporary receiving vault" 7017. "Temporary receiving vault" means a vault used or intended to be used for the temporary placement of human remains.
- "Cemetery authority" 7018. "Cemetery authority" includes cemetery association, corporation sole, or other person owning or controlling cemetery lands or property.  
(Amended by Stats. 1939, Ch. 339.)
- "Cemetery corporation," etc. 7019. "Cemetery corporation," "cemetery association," or "cemetery corporation or association," mean any corporation now or hereafter organized which is or may be authorized by its articles to conduct any one or more or all of the businesses of a cemetery, but do not mean or include a corporation sole.
- "Cemetery business," etc. 7020. "Cemetery business," "cemetery businesses," and "cemetery purposes" are used interchangeably and mean any and all business and purposes requisite to, necessary for, or incident to, establishing, maintaining, operating, improving, or conducting a cemetery, interring human remains, and the care, preservation, and embellishment of cemetery property.
- "Directors," etc. 7021. "Directors" or "governing body" means the board of directors, board of trustees, or other governing body of a cemetery association.
- "Lot," etc. 7022. "Lot," "plot," or "interment plot" means space in a cemetery, used or intended to be used for the interment of human remains. Such terms include and apply to one or more than one adjoining graves, one or more than one adjoining crypts or vaults, or one or more than one adjoining niches.
- "Plot owner," etc. 7023. "Plot owner," "owner," or "lot proprietor," means any person in whose name an interment plot stands of record as owner, in the office of a cemetery authority.  
(Amended by Stats. 1939, Ch. 339.)
- "Burial permit" 7024. A "burial permit" is a permit, issued pursuant to law, for the interment of human remains.

## CHAPTER 2. GENERAL PROVISIONS

- Rules and regulations 7050. In matters relating to communicable diseases, the State department may make and enforce regulations for the embalming, cremation, interment, disinterment and transportation of the dead.  
(Amended by Stats. 1939, Ch. 339.)
- Unlawful removal 7051. Every person who removes any part of any human remains from any place where it has been interred, or from any place where it is deposited while awaiting interment, with intent to sell it or to dissect it, without authority of law, or

from malice or wantonness, is punishable by imprisonment in the State prison for not more than five years.

7052. Every person who mutilates, disinters, or removes from the place of interment any human remains without authority of law, is guilty of felony. This section does not apply to any person who removes the remains of a relative or friend for reinterment.

Unlawful  
mutila-  
tion, etc.

7053. Every person who arrests, attaches, detains, or claims to detain any human remains for any debt or demand, or upon any pretended lien or charge, is guilty of a misdemeanor.

Attachment  
for debt, etc.

7054. Every person who deposits or disposes of any human remains, in any place within the corporate limits of any city, or city and county, except in a cemetery, is guilty of a misdemeanor.

Unlawful  
deposit or  
disposition  
of human  
remains

(Amended by Stats. 1939, Ch. 339.)

7055. Every person, who for himself or for another person, inters or incinerates a body or permits the same to be done, or removes any remains, from the primary registration district in which the death or incineration occurred or the body was found, except a removal by a funeral director in a funeral directors' conveyance from that registration district to another registration district in the same or another county, without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or removes interred human remains from the cemetery in which the interment occurred; or removes cremated remains from the premises on which the cremation occurred without the authority of a removal permit is guilty of a misdemeanor and punishable as follows: (a) for the first offense by a fine of not less than ten dollars (\$10) nor more than five hundred dollars (\$500), (b) for each subsequent offense by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or imprisonment in the county jail for not more than 60 days, or by both.

Unlawful  
interment

(Amended by Stats. 1939, Ch. 541, and by Stats. 1941, Ch. 181.)

### CHAPTER 3. CUSTODY, AND DUTY OF INTERMENT

7100. The right to control the disposition of the remains of a deceased person, unless other directions have been given by the decedent, vests in, and the duty of interment and the liability for the reasonable cost of interment of such remains devolves upon the following in the order named:

Duty and  
cost of  
interment

- (a) The surviving spouse.
- (b) The surviving child or children of the decedent.
- (c) The surviving parent or parents of the decedent.
- (d) The person or persons respectively in the next degrees of kindred in the order named by the laws of California as entitled to succeed to the estate of the decedent.

The liability for the reasonable cost of interment devolves jointly and severally upon all kin of the decedent in the same degree of kindred and upon the estate of the decedent.

Prior  
directions  
of decedent

A decedent, prior to his death, may direct the preparation for, type or place of interment of his remains, either by oral or written instructions. If such instructions are in a will or other written instrument, he may direct that the whole or any part of his remains be given to a teaching institution, university, college, legally licensed hospital, or to the State Director of Public Health, and the person or persons otherwise entitled to control the disposition of such remains under the provisions of this section shall faithfully carry out the directions of the decedent subject only to the provisions of this chapter with respect to the duties of the coroner.

If such instructions are contained in a will, they shall be immediately carried out, regardless of the validity of the will in other respects or of the fact that the will may not be offered for or admitted to probate until a later date.

This section shall be administered and construed to the end that such expressed instructions of any person shall be faithfully and promptly performed.

A funeral director or cemetery authority shall not be liable to any person or persons for carrying out such instructions of the decedent.

(Amended by Stats. 1947, Ch. 125.)

Liability  
of estate

7101. When any decedent leaves an estate in this State, the reasonable cost of interment and an interment plot of sufficient size to constitute a family plot and memorial including reasonable sums for either, or both, general and special endowment care of the plot proportionate to the value of the estate and in keeping with the standard of living adopted by the decedent prior to his demise, together with interest thereon from the date of interment, shall be considered as a part of the funeral expenses of the decedent and shall be paid as a preferred charge against his estate as provided in the Probate Code.

Burden of  
proof on  
rejected  
claim

If a claim for an interment plot or memorial is rejected the burden of proving that the cost of the interment plot or memorial is disproportionate to the value of the estate and the standard of living adopted by the decedent while living shall be upon the executor or administrator rejecting the claim. This chapter does not prohibit any relative or friend of a decedent from assuming the duty or paying the expense of interment.

(Amended by Stats. 1939, Ch. 339, and by Stats. 1951, Ch. 176.)

Custody of  
remains

7102. When a person is charged by law with the duty of interment he is entitled to the custody of the remains for the purpose of interment; except that in any case where a coroner is required by law to investigate the cause of death, the coroner is entitled to the custody of the remains of the person whose death is the subject of investigation until the conclusion of the autopsy or medical investigation by the coroner. Any person in whose possession such remains are found,



shall, upon demand by the coroner, surrender such remains to him.

7103. Every person, upon whom the duty of interment is imposed by law, who omits to perform that duty within a reasonable time is guilty of a misdemeanor. In addition, he is liable to pay to the person performing the duty in his stead treble the expenses incurred by the latter in making the interment, to be recovered in a civil action.

Failure  
to inter:  
Penalties

7104. When no provision is made by the decedent, or where the estate is insufficient to provide for interment and the duty of interment does not devolve upon any other person residing in the State or if such person can not after reasonable diligence be found within the State the person who has custody of such remains may require the coroner of the county where the decedent resided at time of death to take possession of such remains and he shall inter the same in the manner provided for the interment of indigent dead.

Interment  
by coroner

(Amended by Stats. 1939, Ch. 339.)

7105. If the person vested with the duty of interment fails, refuses or neglects within a reasonable time after death of the decedent to make such interment, a cemetery authority having possession of the remains, or any relative of the decedent, may file a petition in the superior court in the county in which the decedent resided at the time of his death, or in which the remains are located, naming as defendant the person vested with the duty of interment and seeking an order of the court directing the defendant to make interment of the remains.

Compelling  
Interment:  
Petition

If no person residing in the State vested with the duty of making interment is known to the petitioner, or if such person after reasonable diligence can not be found within the State, and that fact appears from the petition, the petitioner may make the coroner of the county in which the petition is filed the party defendant.

(Amended by Stats. 1939, Ch. 339.)

7106. A cemetery authority may seek an order providing for the interment of the remains of one or more decedents. Where a proceeding is commenced involving the remains of more than one decedent the allegations of the petition shall separately state the facts as to each, and the court may make a separate order as to each.

More than  
one decedent

7107. Notice of the time and place of the hearing on the petition shall be given as the court may direct. Upon the hearing the court shall make its order providing for the interment of the remains in such manner, at such time, and at such place as the court may determine to be just and proper, and for the best interests of the public health.

Notice of  
hearing

7108. If the coroner is directed to make such interment he shall make it in the manner provided by law for the interment of the indigent dead.

Duty of  
coroner

(Amended by Stats. 1939, Ch. 339.)

Costs and  
fees

7109. The court shall allow costs and reasonable attorney's fees against all defendants, other than the coroner.

Warranty

7110. Any person signing any authorization for the interment of any remains warrants the truthfulness of any fact set forth in the authorization, the identity of the person whose remains are sought to be interred, and his authority to order interment. He is personally liable for all damage occasioned by or resulting from breach of such warranty.

Interment  
by cemetery  
authority

7111. A cemetery authority may make an interment of any remains upon the receipt of a written authorization of a person representing himself to be any of the following:

(a) The surviving spouse.

(b) A surviving child or parent.

(c) The next of kin.

(d) A person who has acquired the right to control the disposition of the remains.

A cemetery authority is not liable for cremating or making an interment pursuant to such authorization, unless it has actual notice that such representation is untrue.

Action  
against  
cemetery  
authority

7112. No action shall lie against any cemetery authority relating to the cremated remains of any person which have been left in its possession for a period of five years, unless a written contract has been entered into with the cemetery authority for their care or unless permanent interment has been made.

Nothing in this section shall be construed as an extension of the existing statute prescribing the period within which an action based upon a tort must be commenced. No licensed funeral director shall be liable in damages for any cremated human remains after the remains have been deposited with a cemetery in the State of California.

(Amended by Stats. 1939, Ch. 458.)

Permission  
for autopsy

7113. A cemetery authority or a licensed funeral director may permit an autopsy of any remains in its or his custody upon the receipt of a written authorization of a person representing himself to be any of the following:

(a) The surviving spouse.

(b) A surviving child or parent.

(c) A surviving brother or sister.

(d) Any other kin or person who has acquired the right to control the disposition of the remains.

(e) The coroner or other duly authorized public officer.

A cemetery authority or a licensed funeral director is not liable for permitting or assisting in making an autopsy pursuant to such authorization unless it has actual notice that such representation is untrue.

(Added by Stats. 1947, Ch. 1293.)

Unauthorized  
autopsy

7114. Any person who performs an autopsy on a dead body without having first obtained the written authorization required by Section 7113 of this code is guilty of a misdemeanor, except that this shall not be applicable to the performance of an

autopsy by the coroner or other officer authorized by law to perform autopsies.

(Added by Stats. 1949, Ch. 765.)

#### CHAPTER 4. DISPOSAL OF UNCLAIMED DEAD

7200. Every head of a public institution, city or county undertaker, or State, county, or city officer having charge or control of remains to be interred at public expense, shall use due diligence to notify the relatives of the decedent. In the absence of any known relative of decedent desiring to direct the disposition of the remains in a manner other than in this chapter provided, and upon written request of the State department that such notices are required for a definite period specified in the request, such officer shall notify the State department by telegraph collect, immediately after the lapse of 24 hours after death, stating, whenever possible the name, age, sex, and cause of death of the decedent.

Notice: To relatives

To State department

7201. The person in charge of a public institution in which the decedent was an inmate shall transmit upon request, to the state department or to any person designated by it, a brief medical history of the unclaimed dead for purpose of identification and permanent record, which records shall be open to inspection by any State or county official or prosecuting attorney.

Medical history

7202. The unclaimed dead retained by the State department for scientific or educational purposes shall be embalmed and disposed of in accordance with the instructions of the State department. Such unclaimed dead shall be held for a period of 30 days by those to whom they may have been assigned for scientific or educational purposes, subject to claim and identification by any authenticated relative of the decedent for purpose of interment or other disposition in accordance with the directions of such relative.

When retained by State department

7203. The bodies of the unclaimed dead retained by the State department shall be used solely for the purpose of instruction and study in the promotion of medical, chiropractic, and embalming education and science within the State.

Use

7204. All persons receiving unclaimed dead for educational purposes shall bear all reasonable expense incurred in the preservation and transportation of the dead and shall keep a permanent record of bodies received, giving the identification number, the name, age, sex, nationality, and race, if possible, together with the place of last residence of the decedent and the source and disposition, with dates, of the body.

Expense

Record

7205. It is unlawful for any person, unless specifically authorized by law, to hold a post mortem examination of any unclaimed dead without the express permission of the State department.

Post mortem examinations

7206. Any person authorized by law to perform post mortem examinations shall permit, with the consent of relatives, or in the absence of such relatives, with the consent of

Permission to use material



the State department, any representative of the anatomical or pathological departments of an incorporated medical, chiropractic, or osteopathic school or college to obtain at the time of the necropsy, such material in a recent state as may be needed for scientific purposes, if the material is not required for the legal purposes of the State.

Body unfit  
for scientific  
purposes

7207. Whenever, through the failure of any person to notify the State department, or promptly to deliver the body of a deceased indigent as required by the State department, such body becomes unfit for scientific or educational purposes, the State department shall so certify and the remains shall be interred at the expense of those guilty of such noncompliance.

Penalty

7208. Every person who unlawfully disposes, uses, or sells the body of an unclaimed dead person, or who violates any provision of this chapter is guilty of a misdemeanor.

## CHAPTER 5. EMBALMING AND TRANSPORTATION

### Article 1. Embalming

When  
permission  
required:  
Unknown  
cause of  
death

7300. No person shall embalm the body of any person who has died from an unknown cause, except with the permission of the coroner.

(Amended by Stats. 1939, Ch. 126, and by Stats. 1951, Ch. 560.)

Crime in  
connection  
with death

7301. No embalmer shall embalm a dead human body when he has information reasonably indicating crime in connection with the death until permission of the coroner, or a justice of the peace, if there is no coroner, has been obtained.

Report of  
contagious  
case

7302. Every funeral director and embalmer shall immediately report to the local health officer every contagious case on which the funeral director or embalmer may be called.

Embalming  
fluids, etc.

7303. No embalming fluid or methods of embalming disapproved by regulation of the State department shall be employed by any person in the case of deaths from contagious, infectious, or communicable diseases, or in cases where the body is to be transported upon a public conveyance for interment or cremation within this State or for transportation to a point without the State.

No embalming fluids shall be used in embalming which:

(a) Contain heavy mineral or metallic substances which have a poisonous effect, such as arsenic and mercury;

(b) Contain less than 10 per cent formaldehyde gas.

Every person who violates the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars (\$10) nor more than five hundred dollars (\$500).

(Amended by Stats. 1939, Ch. 126.)

### Article 2. Transportation

Prohibition  
when body  
not prepared  
by licensed  
embalmer

7350. It is unlawful for any common carrier, to receive for transportation any dead human body, unless the body has been prepared by a regularly licensed embalmer in accordance with

the rules prescribed by the State department, and is accompanied by a yellow paster in a form approved by it.

(Amended by Stats. 1941, Ch. 181.)

7351. The requirements prescribed in this article for the transportation of the dead shall be strictly observed, subject to such changes and modifications as the State department may require and direct.

Observance of requirements

7352. The transportation into this State or from this State of bodies of persons who have died from plague, Asiatic cholera, yellow fever, typhus fever, anthrax, glanders, or smallpox is prohibited.

Prohibition where death caused by specific disease

Such bodies shall not be transported within this State except by permission and under the direction of the State department, and subject also to the conditions provided in Section 7353.

(Amended by Stats. 1939, Ch. 126.)

7353. The bodies of persons who have died of Asiatic cholera, smallpox, yellow fever, diphtheria, membranous croup, scarlet fever (scarlatina, scarlet rash), erysipelas, glanders, anthrax, or leprosy, shall not be accepted for transportation unless prepared for transportation by:

Acceptance conditions: Where death caused by specified disease

(a) Arterial and cavity injection with a disinfecting fluid approved by the State department.

(b) Disinfection and stopping of all orifices with absorbent cotton.

(c) Washing the body with a disinfectant.

The body shall be properly clothed, and placed in either:

(a) An airtight metal-lined casket, all joints and seams hermetically sealed, and all inclosed in a strong, wooden transportation case, or,

(b) A wooden casket encased in a metal-lined transportation case, all joints and seams of the case being hermetically sealed.

In the transportation of bodies dead from any disease named in this section, the body shall not be accompanied by persons or articles which have been exposed to the infection of the disease, unless certified by the health officer to have been properly disinfected.

(Amended by Stats. 1939, Ch. 126.)

7354. The bodies of persons who have died from typhoid fever, puerperal fever, tuberculosis, measles, or any other contagious or infectious disease not enumerated in Sections 7352 and 7353, may be received for transportation when prepared for transportation by arterial and cavity injection with an approved disinfecting fluid, and by washing the exterior of the body with an approved disinfecting fluid. The body shall be properly clothed. If the body can not reach its destination within 90 hours from the time of death it shall be placed in a wooden casket inclosed in a hermetically sealed metal-lined transportation case, or in an airtight metal or metal-lined casket inclosed in a wooden transportation case.

Other specified diseases

(Amended by Stats. 1939, Ch. 126.)

Death from  
other causes

7355. The bodies of persons who have died from any cause not stated in nor covered by other provisions of this article, shall not be received for transportation by a common carrier unless the body has been embalmed and prepared by a licensed embalmer, and placed in a sound casket and inclosed in a wooden transportation case.

(Amended by Stats. 1939, Ch. 126, and by Stats. 1941, Ch. 181.)

## CHAPTER 6. BURIAL AND REMOVAL PERMITS

Burial per-  
mit: Body  
inspection

7400. Whenever the State Department of Public Health so orders, no burial permit shall be issued until after the body has been inspected by the department or its representative.

When permit  
required

7401. Except as provided in the next section, the body of any person whose death occurs in this State, or whose body is found in the State, or which is brought in from outside the State, shall not be interred, deposited in a vault or tomb, cremated, disinterred or otherwise disposed of, or removed from or into any registration district, or temporarily held pending further disposition more than five days after death, unless a permit for burial, removal, or other disposition is issued by the local registrar of the registration district in which the death occurred or the body was found, or by the county recorder of the county in which the district is located. The county recorder shall mail, within 24 hours, the original death certificate to the local registrar.

Exemption

7402. This chapter does not prevent a funeral director from removing a body from the registration district where the death occurred or the body was found to another registration district in the same or another county in a funeral director's conveyance for the purpose of preparing the body for interment or shipment.

(Amended by Stats. 1941, Ch. 181.)

7403. (Repealed by Stats. 1939, Ch. 101.)

Removal  
from death  
premises

7404. If death occurred from any disease held by the State department to be infectious, contagious, or communicable, and dangerous to public health, the body shall not be removed without first securing permission of the local health officer.

(Amended by Stats. 1939, Ch. 101.)

Filing of  
death  
certificate  
Exception

7405. No burial or removal permit shall be issued by any registrar until, wherever practicable, a complete and satisfactory certificate of death has been filed with him, except that when human remains are transported from outside the State into a registration district in California for interment, the transit or removal permit, issued in accordance with the law and health regulations of the place where the death occurred, shall be accepted by the local registrar of the district into which the human remains have been transported, as a basis upon which he shall issue a local burial permit, noting upon the face of the burial permit the fact that human remains were shipped in for



interment and the place of death. The transit or removal permit issued in accordance with the law and health regulations of the place where the death occurred shall be filed with the copy of the permit issued by the local registrar.

(Amended by Stats. 1945, Ch. 1057, and by Stats. 1951, Ch. 117.)

7406. No person shall inter in any cemetery any human body unless (a) there has been obtained and filed with the local registrar of the city or county where death occurred, a death certificate, and (b) he has obtained from the local registrar a burial permit.

Conditions  
for interment

(Amended by Stats. 1941, Ch. 181, and by Stats. 1949, Ch. 268.)

7407. A burial permit issued in one county or city is valid and sufficient in any county it specifies as the place of interment and shall be issued in duplicate. Further permit for interment shall not be required, but any county interment fees required by law or ordinance shall be paid.

Burial  
permit

(Amended by Stats. 1941, Ch. 181.)

7408. (Amended by Stats. 1939, Ch. 339; repealed by Stats. 1941, Ch. 181.)

7409. (Repealed by Stats. 1941, Ch. 181.)

7410. No person in charge of any premises on which interments or cremations are made shall inter or permit the interment or cremate or permit the cremation or other disposition of any body unless it is accompanied by a burial or cremation permit.

Prohibition  
re interment,  
etc., when  
body unac-  
companied  
by permit

7411. The person in charge shall sign the permit, indorse upon it the date of interment or cremation, and return all permits so indorsed to the local registrar of his district within 10 days from the date of interment or cremation.

Indorsement  
of permit,  
etc.

7412. If any cemetery is located partly in one registration district and partly in another, only one permit shall be required for interment and a permit authorizing interment in such cemetery shall entitle interment to be made within or without the district to which such permit is directed. Such permit shall be returned to the registration district in which the interment is made irrespective of the district to which it is directed. The local registrar of the district in which such interment is made shall forthwith file such permit on presentation without charge.

Cemetery in  
more than  
one registra-  
tion district

(Added by Stats. 1939, Ch. 642.)

7413. (Added by Stats. 1945, Ch. 1057; repealed by Stats. 1951, Ch. 117.)

## PART 2. DISINTERMENT AND REMOVAL

## CHAPTER 1. GENERAL PROVISIONS

## Article 1. Permits

**Order**        7500. No remains of any deceased person shall be removed from any cemetery, except upon written order of the health department having jurisdiction, or of the superior court of the county in which such cemetery is situated. A duplicate

**Records**    copy of the order shall be maintained as a part of the records of the cemetery. Any person who removes any remains from any cemetery shall keep and maintain a true and correct record showing:

(a) The date such remains were removed.

(b) The name and age of the person removed, when these particulars can be conveniently obtained and the place to which the remains were removed.

(c) The cemetery and the plot therein in which such remains were buried.

If the remains are disposed of other than by interment, a record shall be made and kept of such disposition. The person making the removal shall deliver to the cemetery authority operating the cemetery from which the remains were removed, a true, full and complete copy of such record.

**Removal permit**    7501. A cemetery authority shall not remove or permit the removal of any interred remains, unless a permit for the removal has been issued by the local registrar of the district in which the premises are located, and delivered to the cemetery authority. Any person entitled by law to remove any remains may apply to the local registrar for a permit to remove them. The local registrar shall issue a permit, which in all cases shall specify the name of a cemetery where the remains shall be interred, and shall retain a copy, for which permit he shall receive a fee of fifty cents (\$0.50) to be paid him by the applicant for the permit.

(Amended by Stats. 1941, Ch. 181.)

**Exception**    7502. In the disinterment, transportation and removal of human remains under Chapter 4 of this part a cemetery authority need not obtain a separate permit for the disinterment, transportation or removal of the remains of each person, but disinterment, transportation and removal of human remains shall be made subject to reasonable rules and regulations relative to the manner of disinterring, transporting or removing such remains as may be adopted by the board of health or health officer of the city or city and county in which the cemetery lands are situated.

## Article 2. Consent to Removal

**Who must give**

7525. The remains of a deceased person may be removed from a plot in a cemetery with the consent of the cemetery

authority and the written consent of one of the following in the order named:

- (a) The surviving spouse.
- (b) The surviving children.
- (c) The surviving parents.
- (d) The surviving brothers or sisters.

7526. If the required consent can not be obtained, permission by the superior court of the county where the cemetery is situated is sufficient. Court permission

7527. Notice of application to the court for such permission shall be given, at least 10 days prior thereto, personally, or at least 15 days prior thereto if by mail, to the cemetery authority and to the persons not consenting, and to every other person or association on whom service of notice may be required by the court. Notice

7528. This article does not apply to or prohibit the removal of any remains from one plot to another in the same cemetery or the removal of remains by a cemetery authority from a plot for which the purchase price is past due and unpaid, to some other suitable place; nor does it apply to the disinterment of remains upon order of court or coroner. Exemptions

## CHAPTER 2. REMOVALS TO OUT-OF-STATE POINTS

- 7550. (Repealed by Stats. 1941, Ch. 181.)
- 7551. (Repealed by Stats. 1941, Ch. 181.)
- 7552. (Repealed by Stats. 1941, Ch. 181.)
- 7553. (Repealed by Stats. 1941, Ch. 181.)
- 7554. (Repealed by Stats. 1941, Ch. 181.)
- 7555. (Repealed by Stats. 1941, Ch. 181.)
- 7556. (Repealed by Stats. 1941, Ch. 181.)
- 7557. (Repealed by Stats. 1941, Ch. 181.)
- 7558. (Repealed by Stats. 1941, Ch. 181.)
- 7559. (Repealed by Stats. 1941, Ch. 181.)

## CHAPTER 3. REMOVAL OF ALL REMAINS: CITIES OF 1,500-100,000

7600. The governing body of any city having a population of more than 1,500 and not exceeding 100,000, may, by ordinance, and under such rules and regulations as it may adopt, provide for the disinterring and removal of all human remains from cemeteries in which no interments have been made for a period of two years, which are within the city, or owned and controlled by the city and located without its boundaries. Local provision for removal

## CHAPTER 4. REMOVAL OF ALL REMAINS: CITIES AND COUNTIES OVER 100,000

### Article 1. Power of Municipality

7700. The governing body of any city or city and county, having a population of more than 100,000 persons, may order Order for removal



**Ordinance: Declaration** the disinterment and removal of all human remains interred in all or any part of any cemetery of more than five acres in extent situated within its limits, where the right of interment in the cemetery has been prohibited by law for a period of 15 years or more, whenever the governing body, by ordinance, declares that the further maintenance of all or any part of the cemetery as a burial place for the human dead threatens or endangers the health, safety, comfort or welfare of the public and demands the disinterment and removal beyond the limits of the city, or city and county, of the human remains interred therein.

**Rules and regulations** 7701. The governing body of such city or city and county may in any ordinance ordering or directing the disinterment and removal of such remains prescribe reasonable rules and regulations governing the manner of making disinterments and removals and providing for reinterment in cemeteries outside the city or city and county limits.

**Time for removal by relatives, etc.** The ordinance shall prescribe a reasonable time of not less than two years in which the removal of remains may be made by the cemetery authority, or by the owners or holders of interment spaces, or by the relatives or friends of those whose remains are interred in the cemetery, and may also provide that if the remains are not removed within the period fixed, the city or city and county will itself proceed to remove the remains and reinter them in another cemetery or cemeteries outside the city or city and county limits.

## Article 2. Declaration of Intention by Cemetery Authority

**Declaration** 7725. The cemetery authority of any cemetery from which human remains are ordered removed by an ordinance adopted in accordance with this chapter, may declare its intention and purpose to disinter and remove the remains in accordance with the ordinance, and to reinter the remains in another cemetery or cemeteries outside the limits of the city or city and county, or to deposit the removed remains in a memorial mausoleum or columbarium.

In the case of a cemetery corporation or association the procedure for such declaration shall be by resolution of the governing body of the corporation or association, ratified and approved by a majority vote of the lot owners or holders at any regular meeting of the corporation or association, or at a meeting specially called for the purpose.

**Contents** 7726. Any resolution or declaration of intention to disinter and remove human remains pursuant to this chapter adopted or declared by any cemetery authority shall specify and declare that at any time after the expiration of 10 months from and after the first publication of the notice of the resolution or declaration, the human remains then remaining in all or any part of the cemetery will be removed by the cemetery authority.

### Article 3. Notice of Intention

7735. Notice of a declaration of intention to remove the human remains from all or any part of any cemetery shall be given by publication in a newspaper of general circulation published in the city, or city and county, in which the cemetery or the portion from which removals are to be made is situated. Publication shall be at least once a week for two successive months. Publication

7736. The notice shall be entitled "Notice of Declaration of Intention to Remove Human Remains from ----- (insert name of cemetery) in accordance with the provisions of Ordinance No. ---- (insert number) of the ----- (insert name of city, or city and county) adopted ----- (insert date)" and shall specify a date not less than 10 months after the first publication when the cemetery authority causing the notice to be published will proceed to remove the remains then remaining in such cemetery or the portion from which removals are to be made. Heading and contents

7737. Copies of the notice shall within 10 days after the first publication be posted in at least three conspicuous places in the cemetery or the portion from which removals are to be made. Posting

7738. A copy of the notice shall be mailed to every person who owns, holds, or has the right of interment in, any plot in the cemetery or part affected, whose name appears upon the records of the cemetery. The notice shall be addressed to the last known post-office address of the plot owner as it appears from the records of the cemetery, and if his address does not appear or is not known, then to him at the city, or city and county, in which the cemetery land is situated. Mailing

7739. The notice shall also be mailed to each known living heir at law of any person whose remains are interred in the cemetery, if his address is known. Same

### Article 4. Special Notice to Relative or Friend

7750. At any time before the date fixed for the removal of remains by the cemetery authority, any relative or friend of any person whose remains are interred in the cemetery from which removals are to be made may give the cemetery authority written notice that he desires to be present when the remains are disinterred or are reinterred. Notice to cemetery authority

7751. The notice to the cemetery authority shall specify: Contents  
(a) The name of the person whose remains are to be disinterred.

(b) As accurately as possible, the plot where the remains are interred.

(c) The date of interment.

(d) An address at which the required notices may be given by the cemetery authority.

**Delivery** 7752. The notice may be delivered, or forwarded by registered mail, to the office or principal place of business of the cemetery authority proposing to make removals.

**Notice by cemetery authority** 7753. After receipt of such notice before the date fixed for the removal of the remains by the cemetery authority, it shall give written notice to the person requesting it of the time when the remains shall be disinterred and of the time when and the place where they will be reinterred. This notice shall be given by delivery, or by mail, to the person requesting it at least 10 days prior to the date specified for the disinterment of the remains.

**Same** 7754. Whenever a request of notice is given by a relative or friend, the cemetery authority shall not disinter the remains referred to until the notice of the time of disinterment is given the relative or friend, as provided in this article.

### Article 5. Removals by Relatives or Friends

**Permission** 7800. At any time prior to the removal by a cemetery authority of the remains of any person, any relative or friend of the decedent may voluntarily remove and dispose of the remains.

**Affidavit** 7801. The person desiring to cause the removal shall, prior to removal, deliver to the cemetery authority an affidavit stating the name of the decedent whose remains it is desired to remove and, so far as is known to affiant, the date of burial and the names and places of residence of the heirs at law of the decedent. If the person desiring to cause the removal is not an heir at law of the person whose remains he desires to remove, the removal shall not be made by him until he has delivered to the cemetery authority the written consent of a majority of the known heirs at law of the decedent who are residents of this State. The statements in the affidavit are sufficient evidence of the number, names, and residences of the heirs at law for all of the purposes of this article, and the written consent of the majority of the heirs at law named in the affidavit is sufficient authority for the cemetery authority to permit the removal of the remains.

**Removal without filing affidavit** 7802. Removal of all remains in a plot without the filing of an affidavit of consent may be caused by any of the following:

(a) The purchaser or owner of the plot.

(b) The purchaser or owner of the right of interment in the plot.

(c) Any one of joint purchasers or owners of the plot or of the right of interment in the plot.

**Removal by heir of plot grantee** 7803. If the right, title or interest of any grantee of any plot or of the right of interment therein has passed by succession to the heir or heirs at law of the grantee without distribution by order of court, the heir or heirs at law may remove the remains of persons interred in the plot. The affidavit of any heir at law setting out the facts of heirship

**Affidavit**



shall be accepted by the cemetery authority as sufficient evidence of the fact of the transfer.

7804. Whenever remains are removed by a relative or friend of a decedent, under the provisions of this chapter, the person causing the removal is entitled to remove any vault, monument, headstone, coping or other improvement appurtenant to the interment space from which the remains have been removed. The affidavit or written consent given under the provisions of this chapter are sufficient authority for the cemetery authority to permit the removal of any such appurtenance.

Removal of vaults, headstones, etc.: By friend or relative

7805. If such appurtenances remain on the plot for more than 90 days after the removal of the last human remains, they may be removed and disposed of by the cemetery authority, and thereafter no person claiming any interest in the plot, or any such appurtenance shall maintain in any court any action in relation to any such appurtenance.

By cemetery authority

#### Article 6. Removal by Cemetery Authority

7850. After the completion of notice, and after the expiration of the period of 10 months specified in the notice, any cemetery authority may cause the removal of all human remains interred in the cemetery or portion from which the remains have been ordered removed, and may reinter such remains in other cemeteries in this State where interments are permitted, without further notice to any person claiming any interest in the cemetery, or portion affected, or in the remains interred therein.

Removal and reinterment

7851. Whenever any remains are removed from any cemetery or portion of a cemetery pursuant to this chapter by a cemetery authority, they shall be transported to and reinterred in a cemetery in an adjoining county where interments by the cemetery authority are permitted.

Reinterment in adjoining county

7852. The remains of each person reinterred shall be placed in a separate receptacle and decently and respectfully interred under rules and regulations adopted by the cemetery authority making the removal.

Placement in receptacles, etc.

#### Article 7. Disposal of Lands

7900. Whenever human remains have been ordered removed under this chapter, and the cemetery authority has made and published notice of intention to remove such remains, the portions of the cemetery in which no interments have been made, and those portions from which all human remains have been removed, may be sold, mortgaged, or otherwise encumbered as security for any loan or loans made to the cemetery authority.

Authority to dispose

7901. No order of any court shall be required prior to the making of any such sale, mortgage, or other encumbrance of such lands; but any sale of such cemetery lands made by any cemetery corporation or association controlled by a governing

Sales: Conduct and confirmation

body shall be fairly conducted and the price paid shall be fair and reasonable and all such sales shall be confirmed, as to the fairness and reasonableness of the price paid, by the superior court of the county in which the lands are situated.

Petition for  
confirmation

7902. Petitions for confirmation of sales shall be made to the superior court of the county or city and county in which such lands are situated, and the clerk of the court shall fix a day for and give notice of hearing in accordance with the provisions of Section 1200 of the Probate Code.

Same

7903. If prior to the adoption of an ordinance pursuant to this chapter any cemetery authority has in good faith entered into any agreement to sell or has granted any option to buy all or any portion of its cemetery lands for a price reasonable at the time the agreement to sell was made, or the option granted, the superior court shall confirm the sale at the price stipulated in the agreement to sell or the option to buy.

Written  
declaration:  
Recording

7904. After the removal of all human remains interred in any part or the whole of the cemetery lands, the cemetery authority may file for record in the office of the county recorder of the county or city and county in which the lands are situated a written declaration reciting that all human remains have been removed from the lands described in the declaration.

The declaration shall be acknowledged in the manner of the acknowledgment of deeds to real property by the president and secretary, or other corresponding officers of the cemetery authority, or by the person owning or controlling the cemetery lands, and thereafter any deed, mortgage, or other conveyance of any part of such lands is conclusive evidence in favor of any grantee or mortgagee named in it, and his successor or assigns, of the fact of the complete removal of all human remains therefrom.

Reservation  
of lands

7905. With the approval of the governing body of the city or city and county in which the cemetery lands are situated, sufficient lands may be reserved from any cemetery lands from which the human remains have been removed to erect a mausoleum or columbarium for the reinterment of disinterred remains, to provide sufficient grounds around it, and to preserve such historical vaults or monuments as the cemetery authority may determine to be proper or necessary.

Removal of  
dedication by  
court order

7906. After all remains have been removed from a cemetery in accordance with Chapters 3 and 4, Part 2, Division 7 of this code, the dedication may be removed from all or any part of such cemetery lands by an order and decree of the superior court of the county in which the property is situated, in a proceeding brought for that purpose and upon notice of hearing and proof satisfactory to the court:

(a) That all bodies have been removed, or that no interments were made; and

(b) That the property is no longer used or required for interment purposes.

(Added by Stats. 1939, Ch. 1032.)

## Article 8. Use of Funds

7925. Money payable or to become payable as the purchase price or on account of the purchase price of unused lands, or lands from which all remains have been removed is not subject to garnishment, attachment or execution, but shall be used exclusively for any or all of the following purposes:

Sales  
proceeds

(a) Acquisition of lands and improvements for cemetery purposes.

(b) Disinterment, removal, and reinterment of bodies, pursuant to this chapter.

(c) Endowment care of graves, markers, and cemetery embellishments.

(d) The payment of expenses incidental to the disinterment, removal, and reinterment.

(e) Any other purpose consistent with the objects for which the cemetery authority owning the cemetery is created or organized.

(Amended by Stats. 1939, Ch. 1071, and by Stats. 1951, Ch. 176.)

7926. Whenever any cemetery corporation or association has declared for removal and has published notice of its intention to make removals under this chapter, it may employ any money in its treasury to defray the expense of removal, including:

Use of  
money in  
treasury:  
Expense of  
removal

(a) The expense of purchasing or otherwise providing a suitable place for the interment of remains in any other cemetery.

(b) The expenses of disinterment, transportation and reinterment.

(c) The expenses of removal and disposal of vaults, monuments, headstones, copings, or other improvements.

(d) All necessary expenses incident to the sale or mortgaging of any land from which removals have been made.

(e) All other expenses necessarily incurred in carrying out the removal, and reinterment, or disposing of remains so removed.

(f) All expenses incident to any of the above purposes.

7927. From the money remaining in the treasury of the cemetery corporation or association after completing the removal and reinterment of the remains from its cemetery lands and the payment of all incidental expenses, the cemetery corporation or association shall set aside an adequate endowment care fund for the maintenance and care of the cemetery in which the remains have been interred.

Care and  
maintenance

(Amended by Stats. 1951, Ch. 176.)

7928. After making provisions for an endowment care fund to provide for maintenance and care, the governing body of the cemetery corporation or association may use such portion of the funds then remaining as it may determine to be just and fair in reimbursing those who voluntarily and at their own cost and expense removed the remains of friends or relatives from the

Reimburse-  
ment



cemetery lands from which the remains were ordered removed. Such reimbursement shall not be greater in amount than the average cost to the cemetery corporation or association for removals directly made by it.

(Amended by Stats. 1951, Ch. 176.)

**Balance** 7929. Any balance remaining in the fund may be used for such other purposes as the cemetery corporation or association may lawfully declare.

**Unexpended treasury funds** 7930. Whenever any cemetery corporation or association having a governing body has caused the removal of remains from all or any portion of its cemetery and has funds in its treasury which are not required for other purposes, it may set aside, invest, use, and apply from such unexpended funds such sum as, in the judgment of the governing body, it is necessary or expedient to provide for the perpetual or other care or improvement of any cemetery in which the disinterred remains may be reinterred.

**Transfer** 7931. In lieu of itself investing, using or applying the funds for care or improvement, the cemetery corporation or association may transfer the funds to any other corporation under such conditions and regulations as in the judgment of the governing body will insure their application to the purposes of care or improvement.

**Court order** 7932. Before any such transfer of funds is made, the cemetery corporation or association shall obtain an order authorizing the transfer from the superior court of the county where the cemetery or portion from which the remains were removed is situated.

**Petition** 7933. The order shall be obtained upon petition of the cemetery corporation or association, after such notice by publication as the court may direct, and any member or former plot owner may support or oppose the granting of the order by affidavit or otherwise. Before making the order, proof shall be made to the satisfaction of the court that notice has been given and that it is for the best interests of the cemetery corporation or association that the transfer be made.

### Article 9. New Land, Mausoleum or Columbarium

**New lands: Survey, etc.** 7950. Whenever any cemetery authority owning or controlling cemetery lands from which remains are to be removed has acquired the possession or use of any cemetery for the purpose of providing a place for the reinterment of human remains removed under this chapter, new lands may be surveyed and subdivided into plots, avenues, and walks for cemetery purposes; and any mausoleum and columbarium may be divided into crypts or niches.

**Sale of plots, etc.** 7951. Plots, crypts, or niches may be sold to persons desiring to make reinterments.

**Releases** 7952. The governing body of any cemetery corporation or association may receive and accept as part or full consideration for the purchase price of new plots full or partial releases

of rights in or to the whole or any part of the assets of the corporation or association other than the plot conveyed to the purchaser. Any retransfer to the cemetery corporation or association of any plot in the cemetery from which the removal of the human remains is to be made operates as such release.

7953. After the removal and reinterment of remains disinterred from any cemetery the cemetery authority shall cause to be erected upon or imbedded in any plot in which any remains are reinterred a suitable permanent marker identifying the remains. Identifying  
marker

7954. The cemetery authority shall prepare a complete map or plat describing and showing the location and subdivision into plots of the cemetery lands where remains are reinterred, or a plan of any mausoleum or columbarium in which such remains are interred; and there shall be attached to each plan a description of the name, where known, of each person whose remains are reinterred, and the plot in the cemetery, or the niche or compartment in the mausoleum or columbarium where such remains are reinterred. Maps,  
plans, etc.

7955. The map or plan shall be kept on file in the office of the cemetery authority and shall at all times be open to inspection by the relatives or friends of deceased persons whose remains are reinterred therein. Public  
inspection

#### Article 10. Taxation

7975. When any law or ordinance requires that the remains interred in any cemetery be removed and reinterred elsewhere, no county, town or political subdivision in which the reinterment of disinterred remains takes place, shall charge for any permit or levy a tax of any nature for the reinterment. Taxation

#### Article 11. Religious Observances

7980. The heirs, relatives or friends of any decedent whose remains have been interred in any cemetery owned, governed or controlled by any religious corporation or by any church or religious society of any denomination or by any corporation sole administering temporalities of any religious denomination, society or church, or owned, governed or controlled by any person or persons as trustee or trustees for any religious denomination, society or church shall not disinter, remove, reinter or dispose of any such remains except in accordance with the rules, regulations and discipline of such religious denomination, society or church. Religious  
observances

The officers, representatives or agents of the church or religious society shall be the sole judge of the requirements of the rules, regulations and discipline of such religious denomination, society or church.

## Article 12. Removal by Counties

(Article 12 added by Stats. 1947, Ch. 586)

Abandonment of cemetery

8000. If it appears to the board of supervisors of any county owning a county cemetery that:

(a) The cemetery was actively used for the interment of deceased persons for 20 years or less, and no interment has been made therein for over 20 years, and

(b) The cemetery is located on a portion of the site of an existing county institution maintained for the relief of the indigent, sick and afflicted, and

(c) Adequate facilities are otherwise provided for by the county for the burial of the indigent dead; the board may, by following the procedure contained in this article, order the disinterment and removal of all human remains interred in such cemetery.

(Added by Stats. 1947, Ch. 586.)

Resolution

Notice of abandonment

8001. Any resolution or declaration for abandonment adopted and made under the provisions of this article shall specify and declare that at any time after the expiration of 60 days after the first publication of the notice of declaration of intended abandonment and removal, the human remains then remaining in the cemetery will be removed by the county owning the cemetery. Notice of the declaration of intended abandonment of the cemetery and proposed removal of the human remains interred therein shall be given to all persons interested therein by publication in the newspaper of general circulation published in the county determined by the board of supervisors most likely to give notice to the parties concerned. Publication shall be made once a week for four consecutive times. The notice shall be entitled "Notice of Declaration of Abandonment of Lands for Cemetery Purposes and of Intention to Remove Human Bodies Interred Therein," and shall specify a date not less than 60 days after the first publication of the notice when the county controlling the cemetery lands and causing the notice to be published will proceed to remove the human remains then remaining in such cemetery. Notice shall also be mailed to any known living heir-at-law of any person whose remains are interred in the cemetery when the address of the heir is known.

(Added by Stats. 1947, Ch. 586.)

Removal of remains by relative, etc.

8002. At any time before the date fixed for the removal of the remains by the county owning or controlling such cemetery land, any relative or friend of any person whose remains are interred in the cemetery may voluntarily remove the remains and reinter the same as he may desire.

(Added by Stats. 1947, Ch. 586.)

Removal by county

8003. After the publication and mailing of the notice mentioned in Section 8001 of this code and after the expiration of the 60 days specified in the notice, the county shall have the power to cause the removal of all human remains interred in



the cemetery about to be abandoned and to cause the reinterment in other cemeteries of the county in which burials are permitted, without further notice to any persons claiming an interest in the remains therein interred.

(Added by Stats. 1947, Ch. 586.)

8004. Whenever the remains of any person shall be removed from any abandoned cemetery by the county owning such abandoned cemetery, such remains shall be transported and reinterred in a separate and suitable receptacle. After the removal and reinterment of human bodies disinterred from an abandoned cemetery, the county owning or controlling the abandoned cemetery lands shall cause to be erected upon or imbedded in any lot or plot wherein such body is reinterred a suitable permanent marker identifying the remains with as much particularity as is available to such county and shall prepare a complete record of the name of each person, where known, and the lot or plot where the body is reinterred and such record shall be kept in the office of the board of supervisors of the county making such removals and reinterments and shall at all times be open to the relatives and friends of those so reinterred.

(Added by Stats. 1947, Ch. 586.)

8005. After the removal of all human remains the property may be used, managed and controlled by the board of supervisors as other county property.

(Added by Stats. 1947, Ch. 586.)

## DIVISION 8. CEMETERIES

### PART 1. GENERAL PROVISIONS

#### CHAPTER 1. CEMETERY DEFINED

8100. Six or more human bodies being buried at one place constitute the place a cemetery.

#### CHAPTER 2. VANDALISM

8101. Every person is guilty of a misdemeanor and punishable by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment for not exceeding six months, or by both, who unlawfully or without right wilfully does any of the following:

(a) Destroys, cuts, mutilates, effaces, or otherwise injures, tears down, or removes: Any tomb, monument, memorial, or marker in a cemetery, or any gate, door, fence, wall, post or railing, or any inclosure for the protection of a cemetery or any property in a cemetery.

(b) Obliterates any grave, vault, niche, or crypt.

(c) Destroys, cuts, breaks or injures any building, statuary, ornamentation, tree, shrub, or plant within the limits of a cemetery.

(d) Disturbs, obstructs, detains or interferes with any person carrying or accompanying human remains to a cemetery or funeral establishment, or engaged in a funeral service, or an interment.

(Amended by Stats. 1939, Ch. 339.)

**Civil penalty** 8102. Any person violating any provision of this chapter is liable, in a civil action by and in the name of the cemetery authority, to pay all damages occasioned by his unlawful acts. The sum recovered shall be applied in payment for the repair and restoration of the property injured or destroyed.

**Exemptions** 8103. The provisions of this chapter do not apply to the removal or unavoidable breakage or injury, by a cemetery authority, of any thing placed in or upon any portion of its cemetery in violation of any of the rules or regulations of the cemetery authority, nor to the removal of anything placed in the cemetery by or with the consent of the cemetery authority which has become in a wrecked, unsightly, or dilapidated condition.

### CHAPTER 3. RECORDS

**Keeping and contents** 8110. The person in charge of any premises on which interments or cremations are made shall keep a record of all remains interred or cremated and of the interment of remains on the premises under his charge, in each case stating the name of each deceased person, place of death, date of interment, and name and address of the funeral director.

**Inspection** 8111. The records shall at all times be open to official inspection.

**When no person in charge of cemetery** 8112. When making an interment in a cemetery having no person in charge, the funeral director shall sign the burial or removal permit, giving the date of interment, and shall write across the face of the permit the words "No person in charge," and file the burial or removal permit within 10 days with the registrar of vital statistics of the district in which the cemetery is located.

## PART 2. PUBLIC CEMETERIES

### CHAPTER 1. GENERAL PROVISIONS

**Acquisition of cemetery: Public lands** 8125. Incorporated cities, and for unincorporated towns the supervisors of the county, may survey, lay out, and dedicate for burial purposes not exceeding five acres of public lands situated in or near the city or town. The survey, description, and a certified copy of the order made constituting the land a cemetery shall be recorded in the recorder's office of the county in which it is located.

(Amended by Stats. 1939, Ch. 339.)

**By public user** 8126. The title to lands situated in or near any city and used by the inhabitants without interruption as a cemetery

for five years is vested in the inhabitants of the city and the lands shall not be used except as a public cemetery.

(Amended by Stats. 1939, Ch. 339.)

8127. The inhabitants of any city may by subscription or otherwise purchase or receive by gift or donation, lands not exceeding five acres to be used as a cemetery, the title to be vested in the inhabitants, which lands when once dedicated to use for burial purposes, shall not thereafter be used for any other purpose.

By purchase,  
etc.

(Amended by Stats. 1939, Ch. 339.)

8128. The governing body having control of a public cemetery shall require a register of name, age, birthplace, date of death, and burial of every body interred therein, to be kept by the sexton or other officer. The register shall be open to public inspection.

Register

8129. The public cemeteries of cities, towns, or neighborhoods or of fraternal or beneficial associations or societies shall be inclosed and laid off into plots.

Plots, etc.

8130. The general management, conduct, and regulation of burials, the disposition of plots, and keeping the plots in order, are under the jurisdiction and control of the city owning the cemetery.

Management:  
When owned  
by city

(Amended by Stats. 1939, Ch. 339.)

8131. If not owned by a city or by a fraternal or beneficial association or society, public cemeteries are under the jurisdiction and control of the board of supervisors of the county in which they are situated.

When not  
owned by  
city, etc.

8132. Public cemeteries of fraternal or beneficial associations or societies are under the jurisdiction of and controlled and managed by the associations or societies or by trustees appointed by them.

When owned  
by fraternal  
society, etc.

8133. The authorities having jurisdiction and control of cemeteries may make and enforce general rules and regulations, and appoint sextons or other officers to enforce obedience to the rules and regulations, with such powers and duties regarding the cemetery as may be necessary.

Rules and  
regulations

## PART 3. PRIVATE CEMETERIES

### CHAPTER 1. GENERAL PROVISIONS

8250. The provisions of this part do not apply to any of the following:

Scope of part

(a) Any religious corporation, church, religious society or denomination, a corporation sole administering temporalities of any church or religious society or denomination, or any cemetery organized, controlled, and operated by any of them.

(b) Any public cemetery.

(c) Any private or fraternal burial park not exceeding 10 acres in area, heretofore established.

(Amended by Stats. 1939, Ch. 339.)



- Same** 8251. The provisions of this part do not affect the corporate existence of any cemetery organized under any law then existing prior to August 14, 1931, and as to such cemeteries, and their rights, the laws under which the corporation was organized and existed and under which such rights became vested are applicable.
- Cemetery corporation** 8252. It is unlawful for any corporation, copartnership, firm, trust, association, or individual to engage in or transact any of the businesses of a cemetery within this State except by means of a corporation duly organized for that purpose.
- Effect on powers, etc.** 8253. The powers, privileges, duties and restrictions conferred and imposed upon any corporation, firm, copartnership, association, trust or individual, existing and doing business under the laws of this State, are hereby enlarged or modified as each particular case may require to conform to the provisions of this part notwithstanding anything to the contrary in their respective articles of incorporation, charter or other evidence of organization.

## CHAPTER 2. OPERATION AND MANAGEMENT

### Article 1. General Provisions

- Who may operate** 8275. Any private corporation authorized by its articles so to do, may establish, maintain, manage, improve, or operate a cemetery, and conduct any or all of the business of a cemetery, either for or without profit to its members or stockholders.

### Article 2. Rules and Regulations

- Rules and regulations** 8300. A cemetery authority may make, adopt, amend, add to, revise, or modify, and enforce rules and regulations for the use, care, control, management, restriction and protection of all or any part of its cemetery and for the other purposes specified in this article.
- Use of property** 8301. It may restrict and limit the use of all property within its cemetery.
- Structures: Uniformity etc.** 8302. It may regulate the uniformity, class, and kind of all markers, monuments, and other structures within the cemetery and its subdivisions.
- Erection** 8303. It may prohibit the erection of monuments, markers, or other structures in or upon any portion of the cemetery.
- Removal** 8304. It may regulate or prohibit monuments, effigies, and structures within any portion of the cemetery and provide for their removal.
- Plants** 8305. It may regulate or prevent the introduction or care of plants or shrubs within the cemetery.
- Interment** 8306. It may prevent interment in any part of the cemetery of human remains not entitled to interment and prevent the use of interment plots for purposes violative of its restrictions or rules and regulations.

8307. It may regulate the conduct of persons and prevent improper assemblages in the cemetery. Conduct of persons

8308. It may make and enforce rules and regulations for all other purposes deemed necessary by the cemetery authority for the proper conduct of the business of the cemetery, for the transfer of any plot or the right of interment, and the protection and safeguarding of the premises, and the principles, plans, and ideals on which the cemetery is conducted. Other purposes

(Amended by Stats. 1939, Ch. 339.)

8309. The rules and regulations shall be plainly printed or typewritten and maintained subject to inspection in the office of the cemetery authority or in such place or places within the cemetery as the cemetery authority may prescribe. Printing and inspection of rules

### Article 3. Police Power

8325. The sexton, superintendent or other person in charge of a cemetery, and such other persons as the cemetery authority designates have the authority of a peace officer for the purpose of maintaining order, enforcing the rules and regulations of the cemetery association, the laws of the State, and the ordinances of the city or county, within the cemetery over which he has charge, and within such radius as may be necessary to protect the cemetery property. Police power

(Amended by Stats. 1939, Ch. 339.)

### Article 4. Records

8330. A record shall be kept of every interment showing the date the human remains were received, the date of interment, the name and age of the person interred, when these particulars can be conveniently obtained, and the plot in which interment was made. Record of interments

8331. A record shall be kept of the ownership of all plots in the cemetery which have been conveyed by the cemetery authority and of all transfers of plots in the cemetery. No transfer of any plot, heretofore or hereafter made, or any right of interment, shall be complete or effective until recorded on the books of the cemetery authority. Record of ownership

(Added by Stats. 1939, Ch. 339.)

### Article 5. Operation of Crematories

8340. No crematory shall conduct, or shall hereafter be constructed, established, or authorized to conduct, any business unless there is in connection therewith in the same fireproof building or structure or in a separate fireproof building within the same cemetery, either: Required facilities

A columbarium, a burial park or mausoleum amply equipped at all times for the interment of remains of bodies cremated at the crematory.

(Amended by Stats. 1939, Ch. 339.)

**Interment**      8341. All cremated remains not removed for interment elsewhere shall be interred in a plot within a reasonable time after cremation.

### Article 6. Contract Limitations

**General powers**      8350. Unless otherwise limited by the law under which created, cemetery authorities shall in the conduct of their business have the same powers granted by law to corporations in general, including the right to contract such pecuniary obligations within the limitation of general law as may be required, and may secure them by mortgage, deed of trust, or otherwise upon their property.

**Subordination of liens**      8351. All mortgages, deeds of trust, and other liens of any nature, hereafter contracted, placed or incurred upon property which has been and was at the time of the creation or placing of the lien, dedicated as a cemetery pursuant to this part, or upon property which is afterwards, with the consent of the owner of any mortgage, trust deed, or lien, dedicated to cemetery purposes pursuant to this part, shall not affect or defeat the dedication, but the mortgage, deed of trust or other lien is subject and subordinate to such dedication and any and all sales made upon foreclosure are subject and subordinate to the dedication for cemetery purposes.

### Article 7. Restrictions on Officers

**Borrowing funds, etc.**      8360. No director or officer of any cemetery authority shall directly or indirectly, for himself or as the partner or agent of others, borrow any funds of the corporation or association, nor may he become an indorser or surety for loans to others, nor in any manner be an obligor for money borrowed of or loaned by the corporation or association, nor shall a corporation of which a director or an officer is a stockholder, or in which either of them is in any manner interested, borrow any of the funds of the corporation or association.

**Loss of office**      8361. The office of any director or officer who acts or permits action contrary to this article immediately thereupon becomes vacant.

**Criminal penalty**      8362. Every director or officer authorizing or consenting to a loan, and the person who receives a loan, in violation of this article are severally guilty of a misdemeanor.

## CHAPTER 3. ACQUISITION, DEDICATION AND SALE

### Article 1. Acquisition of Property

**Acquisition of property**      8500. Cemetery authorities may take by purchase, donation or devise, property consisting of lands, mausoleums, crematories, and columbariums, or other property within which the interment of the dead may be authorized by law.



## Article 2. Declaration of Intention

8525. A cemetery authority may execute a declaration acknowledged so as to entitle it to be recorded, describing the property and declaring its intention to use all or part of the property for cemetery purposes. Execution

8526. The declaration may be filed for record in the office of the recorder of the county in which the property is situated, and from the date of filing the declaration is constructive notice of the use for which the property is intended. Recording

## Article 3. Dedication

8550. Every cemetery authority, from time to time as its property may be required for interment purposes, shall: Survey and map

(a) In case of land, survey and subdivide it into sections, blocks, plots, avenues, walks or other subdivisions; make a good and substantial map or plat showing the sections, plots, avenues, walks or other subdivisions, with descriptive names or numbers.

(b) In case of a mausoleum, or crematory and columbarium it shall make a good and substantial map or plat on which shall be delineated the sections, halls, rooms, corridors, elevations, and other divisions, with descriptive names or numbers.

8551. The cemetery authority shall file the map or plat in the office of the recorder of the county in which all or a portion of the property is situated. The cemetery authority shall also file for record in the county recorder's office a written declaration of dedication of the property delineated on the plat or map, dedicating the property exclusively to cemetery purposes. Filing: Map  
Declaration of dedication

8552. The declaration shall be in such form as the cemetery authority may prescribe, and shall be subscribed by the president or vice president, and the secretary, or other persons whom the cemetery authority may authorize, and shall be acknowledged so as to entitle it to be recorded. Form and execution of declaration

8553. Upon the filing of the map or plat and the filing of the declaration for record, the dedication is complete for all purposes and thereafter the property shall be held, occupied, and used exclusively for a cemetery and for cemetery purposes. When dedication complete

8554. When reservation is made in the declaration of dedication, any part or subdivision of the property so mapped and platted may, by order of the directors, be resurveyed and altered in shape and size and an amended map or plat filed, so long as such change does not disturb the interred remains of any deceased person. Resurvey

8555. The filed map or plat and the recorded declaration are constructive notice to all persons of the dedication of the property to cemetery purposes. Constructive notice

8556. The county recorder of the county in which a map or plat is filed shall number, file, and index it in the general index, giving reference to date of filing and number so that it Map: Indexing

<b>Fees</b>	may easily be found. The recorder shall receive a fee of one dollar (\$1) for this service.
<b>Declaration: Recording and indexing</b>	8557. The county recorder of the county in which a declaration of dedication is filed shall record it in the official records of his office and index it in the general index. The recorder shall receive a fee of one dollar (\$1) for this service.
<b>Fee</b>	8558. After property is dedicated to cemetery purposes pursuant to this chapter, neither the dedication, nor the title of a plot owner, shall be affected by the dissolution of the cemetery authority, by nonuser on its part, by alienation of the property, by any incumbrances, by sale under execution, or otherwise except as provided in this chapter.
<b>Laws against perpetuities</b>	8559. Dedication to cemetery purposes pursuant to this chapter is not invalid as violating any laws against perpetuities or the suspension of the power of alienation of title to or use of property, but is expressly permitted and shall be deemed to be in respect for the dead, a provision for the interment of human remains, and a duty to, and for the benefit of, the general public.
<b>Construction of utility structures</b>	8560. After dedication pursuant to this chapter, and as long as the property remains dedicated to cemetery purposes, no railroad, street, road, alley, pipe line, pole line, or other public thoroughfare or utility shall be laid out, through, over, or across any part of it without the consent of the cemetery authority owning and operating it, or of not less than two-thirds of the owners of interment plots.
<b>Exemptions</b>	8561. All property dedicated pursuant to this chapter, including roads, alleys, and walks, is exempt from public improvement assessments, and is not liable to be sold on execution or applied in payment of debts due from individual owners of interment plots.

#### Article 4. Sale of Plots

<b>Authority to sell</b>	8570. After filing the map or plat and recording the declaration of dedication, a cemetery authority may sell and convey plots subject to such rules and regulations as may be then in effect or thereafter adopted by the cemetery authority, and subject to such other and further limitations, conditions and restrictions as may be inserted in or made a part of the declaration of dedication by reference, or included in the instrument of conveyance of such plot. (Amended by Stats. 1939, Ch. 339.)
<b>Indivisibility of plots sold</b>	8571. All plots, the use of which has been conveyed by deed or certificate of ownership as a separate plot, are indivisible except with the consent of the cemetery authority, or as provided by law.
<b>Execution of conveyances</b>	8572. All conveyances made by a cemetery authority shall be signed by the president or the vice president, and the secretary, or by other officers authorized by the cemetery authority.

## Article 5. Removal of Dedication

8580. Property dedicated to cemetery purposes shall be held and used exclusively for cemetery purposes, unless and until the dedication is removed from all or any part of it by an order and decree of the superior court of the county in which the property is situated, in a proceeding brought by the cemetery authority for that purpose and upon notice of hearing and proof satisfactory to the court:

Removal of  
dedication

(a) That no interments were made in or that all interments have been removed from that portion of the property from which dedication is sought to be removed.

(b) That the portion of the property from which dedication is sought to be removed is not being used for interment of human remains.

(Amended by Stats. 1939, Ch. 1032.)

8581. The notice of hearing provided in Section 8580 shall be given by publication once a week for at least three consecutive weeks in a daily newspaper of general circulation in the county where said cemetery is located, and the posting of copies of the notice in three conspicuous places on that portion of the property from which the dedication is to be removed. Said notice shall:

Notice of  
hearing

(a) Describe the portion of the cemetery property sought to be removed from dedication.

(b) State that all remains have been removed or that no interments have been made in the portion of the cemetery property sought to be removed from dedication.

(c) Specify the time and place of the hearing.

(Added by Stats. 1939, Ch. 1032.)

## CHAPTER 4. PROPERTY RIGHTS

### Article 1. General Provisions

8600. All plots conveyed to individuals are presumed to be the sole and separate property of the owner named in the instrument of conveyance.

Plots: Pre-  
sumption of  
ownership

(Amended by Stats. 1939, Ch. 339.)

8601. The spouse of an owner of any plot containing more than one interment space has a vested right of interment of his remains in the plot and any person thereafter becoming the spouse of the owner has a vested right of interment of his remains in the plot if more than one interment space is unoccupied at the time the person becomes the spouse of the owner.

Vested right  
of spouse

(Amended by Stats. 1939, Ch. 339.)

8602. No conveyance or other action of the owner without the written consent or joinder of the spouse of the owner divests the spouse of a vested right of interment, except that a final decree of divorce between them terminates the vested right of interment unless otherwise provided in the decree.

Divestment  
of right

(Amended by Stats. 1939, Ch. 339.)



Descent to heirs, etc.

8603. If no interment is made in an interment plot which has been transferred by deed or certificate of ownership to an individual owner, or if all remains previously interred are lawfully removed, upon the death of the owner, unless he has disposed of the plot either in his will by a specific devise or by a written declaration filed and recorded in the office of the cemetery authority, the plot descends to the heirs at law of the owner subject to the rights of interment of the decedent and his surviving spouse.

Tax exemption

8604. Cemetery property passing to an individual by reason of the death of the owner is exempt from all inheritance taxes.

Authorization for permitting use

8605. An affidavit by a person having knowledge of the facts setting forth the fact of the death of the owner and the name of the person or persons entitled to the use of the plot pursuant to this chapter, is complete authorization to the cemetery authority to permit the use of the unoccupied portions of the plot by the person entitled to the use of it.

## Article 2. Joint Tenants

Vested right

8625. In a conveyance to two or more persons as joint tenants each joint tenant has a vested right of interment in the plot conveyed.

Death of one tenant

8626. Upon the death of a joint tenant, the title to the plot held in joint tenancy immediately vests in the survivors, subject to the vested right of interment of the remains of the deceased joint tenant.

Exemption

8627. Cemetery property held in joint tenancy is exempt from the provisions of the Code of Civil Procedure relating to proceedings for establishing the fact of death of a person whose death affects title to real property.

Authorization for permitting use

8628. An affidavit by any person having knowledge of the facts setting forth the fact of the death of one joint tenant and establishing the identity of the surviving joint tenants named in the deed to any plot, when filed with the cemetery authority operating the cemetery in which the plot is located, is complete authorization to the cemetery authority to permit the use of the unoccupied portion of the plot in accordance with the directions of the surviving joint tenants or their successors in interest.

Designation of plot representatives

8629. When there are several owners of a plot, or of rights of interment in it, they may designate one or more persons to represent the plot and file written notice of designation with the cemetery authority. In the absence of such notice or of written objection to its so doing, the cemetery authority is not liable to any owner for interring or permitting an interment in the plot upon the request or direction of any co-owner of the plot.

## Article 3. Family Interment Plots

Family plot

8650. Whenever an interment of the remains of a member or of a relative of a member of the family of the record owner

or of the remains of the record owner is made in a plot transferred by deed or certificate of ownership to an individual owner and the owner dies without making disposition of the plot either in his will by a specific devise, or by a written declaration filed and recorded in the office of the cemetery authority, the plot thereby becomes inalienable and shall be held as the family plot of the owner.

8651. In a family plot one grave, niche or crypt may be used for the owner's interment; one for the owner's surviving spouse, if any, who by law has a vested right of interment in it; and in those remaining, if any, the parents and children of the deceased owner in order of death may be interred without the consent of any person claiming any interest in the plot. Interment  
priority

8652. If no parent or child survives, the right of interment goes in the order of death first, to the spouse of any child of the record owner and second, in the order of death to the next heirs at law of the owner or the spouse of any heir at law. Same

8653. Any surviving spouse, parent, child or heir who has a right of interment in a family plot may waive such right in favor of any other relative, or spouse of a relative of either the deceased owner or of his spouse, and upon such waiver the remains of the person in whose favor the waiver is made may be interred in the plot. Waiver

(Amended by Stats. 1945, Ch. 848.)

#### Article 4. Vested Right of Interment

8675. A vested right of interment may be waived and is terminated upon the interment elsewhere of the remains of the person in whom vested. Waiver

8676. No vested right of interment gives to any person the right to have his remains interred in any interment space in which the remains of any deceased person having a prior vested right of interment have been interred, nor does it give any person the right to have the remains of more than one deceased person interred in a single interment space in violation of the rules and regulations of the cemetery in which the interment space is located. Limitations  
on right

#### Article 5. Voluntary Establishment of Inalienability

8680. A cemetery authority may take and hold any plot conveyed or devised to it by the plot owner so that it will be inalienable, and interments shall be restricted to the persons designated in the conveyance or devise. Interments  
restricted

### CHAPTER 5. ENDOWMENT AND SPECIAL CARE (Chapter heading amended by Stats. 1951, Ch. 176)

#### Article 1. Care of Old Cemeteries

8700. In addition to those cemeteries to which this part does not apply, this article does not apply to abandoned cemeteries nor to cemeteries in which interments are prohibited. Scope of  
article

Vacation  
and plot  
platting of  
roads, etc.

8701. Whenever a majority of the plots in all or any part of a cemetery established prior to August 14, 1931, has been sold without the owner having made provision for the establishment of an adequate endowment care fund for its care, maintenance, and embellishment, the avenues, roadways, walks, driveways, alleys, streets and parks in it may be vacated or altered and replatted into plots which may be sold for interment purposes pursuant to this article.

(Amended by Stats. 1951, Ch. 176.)

Application

8702. Application for the alteration or vacation or replatting of all or any portion of an alley, street, avenue, walk, driveway, or park, for plots in the cemetery shall be made to the superior court in the county in which all or any portion of the property is situated.

Who may  
make

8703. The application may be by the cemetery authority owning or operating the cemetery or if there is no cemetery authority operating the cemetery, by 20 or more plot owners.

Petition

8704. The petition shall be verified and shall specify the facts of such ownership and shall state the reasons for the proposed change and what provisions have theretofore been made for the endowment care of the cemetery.

(Amended by Stats. 1951, Ch. 176.)

Plat

8705. There shall be presented with the petition a plat of the cemetery and the proposed replat which shall clearly indicate the proposed changes.

Time for  
hearing

8706. The petition shall be filed with the clerk of the superior court, and the clerk shall fix the time for hearing not less than 30 nor more than 60 days from the date of filing.

Notice:  
Publication

8707. Notice of the hearing shall be given by publishing a copy of the notice in a newspaper of general circulation near the cemetery in the county in which the property is situated, once a week for three consecutive weeks prior to the date of hearing.

Posting

8708. Copies of the notice shall be posted in three conspicuous places within the cemetery.

Contents

8709. The notice shall:

(a) Be addressed to all persons owning or interested in plots in the cemetery but need not name them.

(b) Set forth in a general way the proposed changes.

(c) Set forth the reasons stated in the petition for making the changes.

(d) State the time when the hearing of the petition will be had.

(e) State that a plat showing the proposed changes is on file with the clerk of the court.

Hearing

8710. At the time fixed for the hearing, the court shall hear and consider any evidence introduced in favor of and all objections to the changes and may allow the proposed changes and replat in whole or in part, or may order and allow modifications of the proposed changes. The hearing may be continued from time to time by order of court.

(Amended by Stats. 1939, Ch. 339.)



8711. The cemetery authority or other person directed by **Sale** the court shall accept the newly created plots and shall sell and convey them only for interment purposes at a price not less than the price fixed by the court.

8712. Not less than 70 percent of all funds derived from the sale of the plots shall be placed in an endowment care fund and the net income earned by the fund shall be used for the cemetery's care, maintenance, and embellishment. **Disposition of proceeds**

(Amended by Stats. 1951, Ch. 176.)

8713. The vacation of an alley, avenue, roadway, walk, driveway, street, or park adjacent to a privately owned plot does not vest any interest in the owner of the plot to the vacated portion; but the adjacent owner shall, for 10 days after the date of the order of vacation, have the right to purchase the new plots at the price fixed by the court. If there is more than one adjacent plot owner, the new plots shall be sold to the one offering the highest price. **Vacation of road adjacent to plot**

8714. In allowing any damages to any plot owner for such vacation, the court shall take into consideration the benefit to be received from endowment care. **Damage allowance**

(Amended by Stats. 1951, Ch. 176.)

8715. The provisions of this article are hereby declared to be a necessary exercise of the police power of the State in order to preserve and keep existing cemeteries as resting places for the dead and to preserve cemeteries from becoming unkept and places of reproach and desolation in the communities in which they are located. The taking of roadways, alleys, walks, avenues, driveways, streets and parks for the purposes and by the method in this section specified, regardless of the private character of the association or person applying therefor, is hereby declared an exercise of the right of eminent domain in behalf of the public health, safety, comfort, pleasure, protection, and historic instruction to present and future generations. **Declaration of policy**

## Article 2. Care of Active Cemeteries

8725. Every cemetery authority which now or hereafter maintains a cemetery may place its cemetery under endowment care and establish, maintain, and operate an endowment care fund. Endowment care and special care funds may be commingled for investment and the income therefrom shall be divided between the endowment care and special care funds in the proportion that each fund contributed to the principal sum invested. The funds may be held in the name of the cemetery authority or its directors or in the name of the trustees appointed by the cemetery authority. **Endowment care funds**

(Amended by Stats. 1939, Ch. 339, and by Stats 1951, Ch. 176.)

8726. The principal of all funds for endowment care shall be invested and the income only used for the care, maintenance, and embellishment of the cemetery in accordance with the provisions of law and the resolutions, by-laws, rules and regulations **Principal: Investment**

- or other actions or instruments of the cemetery authority and for no other purpose. Endowment and special care funds shall be maintained separate and distinct from all other funds and the trustees shall keep separate records thereof.  
(Amended by Stats. 1951, Ch. 176.)
- Maintenance** 8726.1. The trustee of the endowment care fund shall create a reserve from which principal losses may be replaced by setting aside a reasonable percentage of the income from the fund.  
(Added by Stats. 1951, Ch. 176.)
- Reserve** 8727. (Repealed by Stats. 1951, Ch. 176.)
- Charges** 8728. The cemetery authority may from time to time adopt plans for the general care, maintenance, and embellishment of its cemetery, and charge and collect from all subsequent purchasers of plots such reasonable sum as, in the judgment of the cemetery authority, will aggregate a fund, the reasonable income from which will provide care, maintenance and embellishment.  
(Amended by Stats. 1951, Ch. 176.)
- Agreements:  
Care of  
cemetery** 8729. Upon payment of the purchase price and the amount fixed as a proportionate contribution for endowment care, there may be included in the deed of conveyance or by separate instrument an agreement to use the income from such endowment care fund for the care, maintenance, and embellishment in accordance with the plan adopted, for the cemetery and its appurtenances to the proportionate extent the income received by the cemetery authority from the contribution will permit.  
(Amended by Stats. 1951, Ch. 176.)
- Care of plots** 8730. Upon the application of an owner of any plot, and upon the payment by him of the amount fixed as a reasonable and proportionate contribution for endowment care a cemetery authority may enter into an agreement with him to use the income from such fund for the care of his plot and its appurtenances.  
(Amended by Stats. 1951, Ch. 176.)
- Trustees** 8731. The cemetery authority may appoint a board of trustees of not less than three in number as trustees of its endowment care fund. The members of the board of trustees shall hold office subject to the direction of the cemetery authority.  
(Amended by Stats. 1951, Ch. 176.)
- Same:  
Directors** 8732. The directors of a cemetery authority, if any, may be the trustee of its endowment care fund. When the fund is in the care of the directors as a board of trustees the secretary of the cemetery authority shall act as its secretary and keep a true record of all of its proceedings.  
(Amended by Stats. 1951, Ch. 176.)
- Compensation** 8733. No sum in excess of 5 per cent of the income derived from the fund in any year shall be paid as compensation to the board of trustees for its services as trustee.
- Bank as trustee** 8733.5. In lieu of the appointment of a board of trustees of its endowment care fund, any cemetery authority may appoint as sole trustee of its endowment care fund any bank or trust

company qualified under the provisions of the Bank Act of the State of California to engage in the trust business.

(Added by Stats. 1941, Ch. 176; amended by Stats. 1951, Ch. 176.)

8734. (Amended by Stats. 1939, Ch. 339; repealed by Stats. 1951, Ch. 176.)

8735. A cemetery authority which has established an endowment care fund may take, receive, and hold as a part of or incident to the fund any property, real, personal or mixed, bequeathed, devised, granted, given or otherwise contributed to it for its endowment care fund.

Property  
incident  
to fund

(Amended by Stats. 1951, Ch. 176.)

8736. The endowment care fund and all payments or contributions to it are hereby expressly permitted as and for charitable and eleemosynary purposes. Endowment care is a provision for the discharge of a duty due from the persons contributing to the persons interred and to be interred in the cemetery and a provision for the benefit and protection of the public by preserving and keeping cemeteries from becoming unkept and places of reproach and desolation in the communities in which they are situated.

Nature of  
endowment  
care

(Amended by Stats. 1951, Ch. 176.)

8737. No payment, gift, grant, bequest, or other contribution for general endowment care is invalid by reason of any indefiniteness or uncertainty of the persons designated as beneficiaries, nor is the fund or any contribution to it invalid as violating any law against perpetuities or the suspension of the power of alienation of title to property.

Uncertainty,  
etc., of  
beneficiaries

Perpetuities,  
etc.

(Amended by Stats. 1951, Ch. 176.)

8738. An endowment care cemetery is one which shall hereafter have deposited in its endowment care fund at the time of or not later than completion of the initial sale not less than the following amounts for plots sold or disposed of:

Endowment  
care  
cemetery

(a) Fifty cents (\$0.50) a square foot for each grave;

(b) Five dollars (\$5) for each niche;

(c) Thirty dollars (\$30) for each crypt; provided, however, that in the event there shall be located upon any one property or contiguous properties, a mausoleum or mausoleums containing in the aggregate 6,000 crypts under the actual ownership of one cemetery authority; and provided also, that there shall have been deposited in said endowment care fund mentioned in this code, a sum equal to ten dollars (\$10) from the initial sale or disposal of each crypt theretofore sold or disposed of, including endowment care funds accumulated prior to the passage of this code, then and thereafter such endowment care cemetery shall be required to deposit in the endowment care fund mentioned in this code, not less than the sum of twenty dollars (\$20) for each crypt thereafter sold or disposed of.

(Added by Stats. 1939, Ch. 339; amended by Stats. 1951, Ch. 176.)



Same 8738.1. In addition to the requirements of Section 8738 any endowment care cemetery hereafter established shall also have deposited in its endowment care fund the additional sum of twenty-five thousand dollars (\$25,000) before disposing of any plot or making any sale thereof.

(Added by Stats. 1951, Ch. 176.)

Nonendowment care cemeteries 8739. A nonendowment care cemetery is one that does not have deposited in an endowment care fund the minimum amounts required by law.

(Added by Stats. 1939, Ch. 339; amended by Stats. 1951, Ch. 176.)

Other endowment care cemeteries 8740. A cemetery which otherwise complies with Section 8738 may be designated an endowment care cemetery even though it contains a small section which may be sold without endowment care, if the section is separately set off from the remainder of the cemetery and if signs are kept prominently placed around the section designating the same as a "nonendowment care section" in legible black lettering at least four inches high. There shall be printed at the head of all contracts, agreements, statements, receipts and certificates of ownership or deeds referring to plots in the section the phrase "nonendowment care" in lettering of a size and style to be approved by the State Cemetery Board.

(Added by Stats. 1939, Ch. 339; amended by Stats. 1951, Ch. 176.)

Posted notice: Endowment care 8741. Each endowment care cemetery shall post in a conspicuous place in the office or offices where sales are conducted and in a conspicuous place at or near the entrance of the cemetery or its administration building and readily accessible to the public, a legible sign which shall contain the following information in the order and manner set forth below:

(a) A heading containing the words "endowment care"—which shall appear in a minimum of 48-point black type.

(b) This is an endowment care interment property.

(Added by Stats. 1939, Ch. 339; amended by Stats. 1951, Ch. 176.)

8742. (Added by Stats. 1939, Ch. 339; repealed by Stats. 1951, Ch. 176.)

Nonendowment care 8743. Each nonendowment care cemetery or the State Cemetery Board shall post in a conspicuous place in the office or offices where sales are conducted and in a conspicuous place at or near the entrance of the cemetery or its administration building and readily accessible to the public, a legible sign with lettering of a size and style to be approved by the State Cemetery Board which shall contain the following information in the order and manner set forth below:

(a) A heading containing the words "nonendowment care."

(b) This is a nonendowment care interment property.

(Added by Stats. 1939, Ch. 339; amended by Stats. 1951, Ch. 176.)

8744. There shall be printed at the head of all contracts, agreements, statements, receipts, literature and other publications of nonendowment care cemeteries the following form: Notice on contracts

“This institution is operated as a ‘nonendowment care’ interment property.” The phrase “nonendowment care” shall be of a size and style to be approved by the State Cemetery Board.

(Added by Stats. 1939, Ch. 339; amended by Stats. 1951, Ch. 176.)

8745. All the information appearing on the signs and report filed in the cemetery office shall be revised annually and verified by the president and secretary, or two officers authorized by the cemetery authority. Verification

(Added by Stats. 1939, Ch. 339.)

8746. Any person, partnership, corporation, association, or his or its agents or representatives, who shall violate any of the provisions of this article, or make any wilful or false statement appearing on said sign, contract, agreement, receipt, statement, literature or other publication shall be guilty of a misdemeanor. Penalty

(Added by Stats. 1939, Ch. 339.)

8747. It shall be unlawful for a cemetery authority, its officers, employees or agents, or a cemetery broker or salesman to represent that an endowment care fund or any other fund set up for maintaining care is perpetual or permanent. Unlawful representations that funds exist

(Added by Stats. 1951, Ch. 176.)

### Article 3. Investment of Endowment Funds

(Article heading amended by Stats. 1951, Ch. 176.)

8750. Endowment care funds shall not be used for any purpose other than to provide through income only for the reserves authorized by law and for the endowment care of the cemetery in accordance with the resolutions, by-laws, rules and regulations or other actions or instruments of the cemetery authority. Limitation on use

(Amended by Stats. 1951, Ch. 176.)

8751. The funds shall be invested and reinvested, and kept invested in: Investments

(a) Bonds of the United States or this State, or of any county, city and county, or city in this State.

(b) Bonds legal for investment for savings banks in this State.

(c) First mortgages or first trust deeds on improved real estate.

(d) Income producing improved real estate in any city or city and county in this State.

(e) Investment certificates in any building and loan association organized, existing and doing business under the laws of this State.

(f) Investments of the type enumerated for domestic incorporated insurers in Article 3, Chapter 2, Part 2, of Division 1 of the Insurance Code of this State.

(g) By deposit in a bank which is insured by the Federal Deposit Insurance Corporation.

(h) Shares of a duly chartered and insured Federal Savings and Loan Association.

(Amended by Stats. 1939, Ch. 339.)

Same

8751.1. In addition to the requirements of Section 8751, the funds may be invested and reinvested and kept invested in investments of the type and in the manner as provided in Section 2261 of the Civil Code.

(Added by Stats. 1951, Ch. 176.)

#### Article 4. Special Care

Property  
for special  
purposes

8775. A cemetery authority which has established an endowment care fund may also take and hold any property bequeathed, granted, or given to it in trust to apply the principal, or proceeds, or income to either or all of the following purposes:

(a) Improvement or embellishment of all or any part of the cemetery or any lot in it.

(b) Erection, renewal, repair, or preservation of any monument, fence, building, or other structure in the cemetery.

(c) Planting or cultivation of trees, shrubs, or plants in or around any part of the cemetery.

(d) Special care or ornamenting of any part of any plot, section, or building in the cemetery.

(e) Any purpose or use not inconsistent with the purpose for which the cemetery was established or is maintained.

(Amended by Stats. 1951, Ch. 176.)

Nature of  
contributions

8776. The sums paid in or contributed to the fund authorized by this article are hereby expressly permitted as and for a charitable and eleemosynary purpose. Such contributions are a provision for the discharge of a duty due from the persons contributing to the person or persons interred or to be interred in the cemetery and likewise a provision for the benefit and protection of the public by preserving, beautifying, and keeping cemeteries from becoming unkept and places of reproach and desolation in the communities in which they are situated. No payment, gift, grant, bequest, or other contribution for such purpose is invalid by reason of any indefiniteness or uncertainty of the persons designated as beneficiaries in the instruments creating the fund, nor is the fund or any contribution to it invalid as violating any law against perpetuities or the suspension of the power of alienation of title to property.

Uncertainty  
of benefi-  
ciaries, etc.

#### Article 5. Misrepresentation as to Endowment

(Article heading amended by Stats. 1951, Ch. 176)

Misrepre-  
sentation

8780. Every person who sells, offers for sale, or advertises any plot under representation that the plot is under endowment care, before an endowment care fund has been established for



the cemetery in which the plot is situated, is guilty of a misdemeanor.

(Amended by Stats. 1951, Ch. 176.)

#### CHAPTER 6. REINCORPORATION OF CEMETERY ASSOCIATIONS

8800. When the corporate existence of a cemetery association expires or has expired, and the directors, trustees, or persons in control of the association cause it to continue to exercise its functions, if the cemetery association was a non-stock corporation it may reincorporate by filing with the Secretary of State articles of reincorporation and a certificate of intention to reincorporate pursuant to this chapter. Reincorporation

8801. The articles of reincorporation shall state: Articles

- (a) The name of the reincorporating cemetery association.
- (b) The purposes for which it is formed.
- (c) The county in which the principal office for the transaction of the business of the association is to be located.
- (d) The stock, certificate, or membership structure.
- (e) The names and addresses of the persons, not less than three, who are appointed to act as first directors or trustees of the reincorporated association.
- (f) The name of the former association which is being reincorporated.

(g) Any provisions allowed by law to be stated in articles of incorporation.

8802. The certificate of intention to reincorporate shall contain or have annexed to it by exhibit: Certificate

- (a) A statement showing the period the association has acted in a de facto capacity.
- (b) A statement of the names, number, length of service in that capacity, and compensation of directors, trustees or persons in control of the association.
- (c) A statement of the number of membership certificates issued during the de facto period, and the amount paid for them.
- (d) A copy of the resolution of intention to reincorporate with a certificate of the person acting as secretary, showing that it was adopted by a majority of the acting directors, trustees, or persons in control at the time.
- (e) A statement that the association failed to reincorporate prior to expiration of the period of corporate existence under the last articles filed by it.

(Amended by Stats. 1949, Ch. 36.)

8803. If the Secretary of State finds that the articles of reincorporation and the certificate comply with the provisions of this chapter, he shall file them in his office and indorse on them the date of filing. Filing:  
Secretary  
of State

8804. The corporate existence under the articles of reincorporation begins at the time of the filing of the articles and continues perpetually unless otherwise provided by law. Corporate  
existence

**Filing:** 8805. A certified copy of the articles of reincorporation shall be filed with the county clerk of the county in which the principal office of the association is located, and in every county in which the association owns real property.

**Vesting of property, etc.** 8806. Upon reincorporation all of the assets and real and personal property of the cemetery association whose corporate existence has expired vests, by operation of law, in the reincorporated cemetery association. The reincorporated association succeeds to all rights and obligations of the former association and all members or certificate holders in the former association are members or certificate holders in the reincorporated cemetery association.

## PART 4. PUBLIC CEMETERY DISTRICTS

### CHAPTER 1. GENERAL PROVISIONS

**Territory** 8890. Public cemetery districts consisting of contiguous lands in one or more counties may be formed pursuant to this part.

**"District"** 8891. "District," as used in this part, means any public cemetery district organized pursuant to this part or pursuant to any law which it supersedes.

**"Trustees"** 8892. "Trustees," as used in this part, means the board of trustees of a district.

### CHAPTER 2. PETITION

**Petition** 8900. Fifty or more citizens who are owners of land located within a proposed district, whose names appear as owners upon the last completed assessment roll of the county in which a majority of the acreage of the proposed district is situated, may petition for the organization of a district.

**Contents** 8901. The petition shall definitely describe the boundaries of the proposed district and request that the territory within the boundaries be organized into a district.

**Presentation** 8902. The petition shall be presented to the board of supervisors of the county in which a majority of the acreage of the proposed district is situated, at a regular or special meeting of the board.

**Separate instruments** 8903. The petition may consist of any number of separate instruments, which, except as to signatures, shall be duplicates.

### CHAPTER 3. NOTICE OF HEARING

**Publication** 8910. The board of supervisors, by resolution, shall fix a time for hearing the petition not less than two nor more than five weeks from the time of presentation, and shall cause notice to be given at the time and place of hearing, by publication in some newspaper of general circulation, printed and published in the county, for not less than two weeks prior to the time of hearing.

8911. The notice shall contain a copy of the petition, but the names attached to the petition need not be included in the notice or publication. Copy of petition

8912. The notice shall state that any person residing in or owning property within the proposed district or within any existing cemetery district, any part of the territory of which is described in the petition, may appear before the board at the hearing, and show cause why the petition should not be granted, or why the proposed boundaries should be changed. Statement

#### CHAPTER 4. HEARING

8920. At the time fixed for hearing, the board of supervisors shall hear the petition and shall determine by resolution whether or not it complies with this part and whether or not notice has been published as required. The board shall hear all competent and relevant testimony offered in support of or in opposition to the petition. Determination  
Testimony

8921. The hearing may be adjourned from time to time, not exceeding two weeks in all. Adjournment

8922. No defect in the contents of the petition or in the title to or form of the notice or in the signatures vitiates any proceeding if the petition has sufficient qualified signatures. Defects

8923. A finding of the board of supervisors in favor of the genuineness and sufficiency of any petition presented to it pursuant to this part, and a finding that due notice of hearing has been given, is final and conclusive against all persons except the State of California, upon suit commenced by the Attorney General. Any such suit shall be commenced within one year after the order of the board of supervisors declaring the district organized. Finding  
Suit

8924. If the board of supervisors determines that the petitioners have complied with this part and that the notice has been published as required, it shall proceed to a final hearing. Sufficiency of petition and notice

8925. The board shall make such changes in the boundaries of the proposed district as it deems advisable and shall define and establish the boundaries, and may include any territory described in the petition which is within the boundaries of an existing cemetery district, and, if so included by the board, the territory, upon the organization of the proposed district, shall cease to be a part of the existing district. Boundaries

8926. Any person residing or owning property within the proposed district or within an existing cemetery district may appear before the board of supervisors at the hearing, in person or by attorney or agent, and oppose the creation of the district or request a change in its boundaries and may produce evidence in support of his opposition or request. Opposition



## CHAPTER 5. PROTEST AND ELECTION

Protest	8930. Registered voters within the boundaries of the proposed district, equal in number to at least 10 per cent of the number of votes cast for the office of Governor at the last preceding gubernatorial election, or the owners of more than 10 per cent of the total assessed valuation of the land in the proposed district may appear at the hearing, in person, or by attorney or agent, and protest the creation of the district or request a change in its boundaries.
Special election	8931. Before any new district is created, the board shall call a special election to determine whether or not the district shall be created. (Amended by Stats. 1941, Ch. 933.)
Time and place, etc.	8932. If the election is called, the board shall, in its order, specify the time and place for the election, the voting places and the number of precincts within the district, if in the judgment of the board more than one voting place is necessary, and shall, in its order, appoint and designate two judges and one clerk for each polling place.
Election officials	8933. The election officials shall be qualified electors of the district, and shall conduct the election.
Election law	8934. The election shall be held in all respects as nearly as practicable in conformity with the general election law.
Register, polls	8935. A new register or legal ballot paper shall not be required. The polls shall be open from 8 o'clock a.m. to 7 o'clock p.m., on the day appointed for the election.
Ballots	8936. The ballots shall contain the words "Cemetery District, Yes" and "Cemetery District, No."
Vote return	8937. The judges of the election shall within 24 hours after the closing of the election, make return of and certify the votes to the board, showing the total number of votes cast, the number of votes in favor of and the number of votes against creation of the district.
Favorable vote	8938. If two-thirds or more of the votes are cast in favor of the formation of the district, the board of supervisors shall proceed with the organization. (Amended by Stats. 1941, Ch. 933.)
Unfavorable vote	8939. If more than one-third of the votes are cast against the formation of the district, all further action by the board under the petition shall cease, and no further or other petition for the organization of a cemetery district in the territory specified in the petition shall be received or acted upon within six months after the election. (Amended by Stats. 1941, Ch. 933.)
Approval of petition	8940. Upon conclusion of the canvass of the ballots of the election, if one is held, and if the returns of the election are favorable to the formation of a district, and upon conclusion of the hearing of the matter, if no election is held, the board shall, by an order entered in its minutes, approve the petition

as originally presented or as modified, and declare the territory embraced within the boundaries established by the board organized as a district. Declaration

8941. The board shall then cause a certified copy of the order to be immediately filed for record in the office of the county recorder of the county. From and after the filing, the organization of the district is complete. Formation completion

## CHAPTER 6. GOVERNMENT

8950. The district shall be governed and managed by three trustees, appointed by the board of supervisors of the county, or if the district is in more than one county, by the supervisors of the county in which the largest portion of the district is located. Trustees

8951. The trustees shall be appointed from the electors residing within the district. Qualifications

8952. The trustees shall hold office for four years and until the appointment and qualifications of their successors, and shall serve without compensation. Terms, compensation

## CHAPTER 7. POWERS

8960. A cemetery district may adopt and use a common seal and may sue and be sued by its name. Seal, suits

8961. The district may maintain a cemetery or cemeteries, limited in use to burial in the ground of residents of the district or of members of the family of a resident who has theretofore purchased a burial plot. Cemetery

8961.3. A district formed prior to the adoption of this section may acquire, and maintain a mausoleum if construction thereof was completed at least ten years prior to May 1, 1947; provided, however, that such district may construct additions to such a mausoleum for crypt entombment. Mausoleum

(Added by Stats. 1947, Ch. 870; amended by Stats. 1949, Ch. 868.)

8962. The district may maintain and care for all public streets, alleys, ways, and places, in any cemetery within the district, and for these purposes may take and hold title to property by grant, gift, devise, lease, or any other method. Streets, etc.

8963. The district may do all acts necessary or proper for the carrying out of the purposes of this part, including the selling or leasing of burial lots. Necessary acts

The trustees shall prepare or cause to be prepared and shall maintain an up-to-date map of the cemetery showing by section and lot number which lots have been sold or leased for burial purposes and which lots are still owned by the district and available for sale or lease. Map

(Amended by Stats. 1943, Ch. 579.)

8964. The trustees shall make proper rules and regulations for the management of the cemeteries under their control, and all laws relating to cemeteries, and not inconsistent with this part, apply to the cemeteries provided for in this part. Rules and regulations

Sale of  
monuments,  
etc.

8965. It shall be unlawful for any officer or employee of the district to engage in private business of selling monuments or markers.

(Added by Stats. 1947, Ch. 503.)

Same

8966. Nothing in this chapter shall be construed as permitting the district to engage in the business of selling monuments or markers.

(Added by Stats. 1947, Ch. 503.)

## CHAPTER 8. FINANCE AND TAXATION

### Article 1. Estimate of Expenses

Estimate

8970. The trustees shall annually, at or before the time fixed by law for filing estimates of expenditures, estimate and certify to the board of supervisors of the county in which the district is situated, the amount of money necessary to be raised by taxation for maintaining the cemetery of the district, and for the acquisition of property necessary for the purposes of the district during the ensuing fiscal year.

Division

8971. If the district is in more than one county, the total estimate shall be divided by the board of trustees in proportion to the value of the real property of the district in each county.

Value

8972. This value shall be determined from the equalized values of the last assessment rolls of the counties.

Certification

8973. When the division of the estimate has been made, the trustees shall certify to the board of supervisors of the respective counties that part of the estimate apportioned to each county.

### Article 2. Taxation

Tax levy

8980. The board of supervisors of each county in which is situated all or any part of a district shall annually, at the time of levying county taxes, levy a tax upon all the property within the district situated in the county sufficient to raise the amount so certified to the board of supervisors by the trustees.

Maximum  
tax

8981. The tax so levied shall not exceed two mills on each dollar of assessed valuation of the property in the district.

Collection  
and dis-  
position of  
taxes

8982. The tax shall be collected by the same officers and in the same manner as other county taxes, and the money and all other money received by the trustees, shall be paid into the county treasury and constitute a separate fund. The fund shall be expended solely for the purposes of the cemetery district upon warrants issued by the county auditor on orders signed by not less than two of the trustees.

All money received or collected by the trustees shall be paid into the county treasury on or before the fifth day of the month following the month in which the same was received or collected.

(Amended by Stats. 1943, Ch. 579.)



8983. If the district is in more than one county, the treasurer of the county in which the district was organized shall be the repository of all the funds of the district. For this purpose the treasurers of any other counties in which is situated a portion of the district, shall, at any time, but not oftener than twice each year, upon the order of the trustees, settle with the trustees and pay over to the treasurer of the county in which the district was organized, all money in their possession belonging to the district.

Fund repository

8984. The treasurer of the county in which the district was organized shall receive and receipt for the money and place it to the credit of the district. He is responsible upon his official bond for the safekeeping and disbursement of all money of the district held by him.

Custody and disbursement

8985. All funds on hand, accruing from a previous assessment, in the treasury of any unit of the proposed district or district already in existence, or that may be accumulated through gift, bequest, or assessment, shall be paid over to the county treasurer of the county in which the district was organized.

Accrued funds, etc.

### Article 3. Trustees Report

8990. As soon after the first day of July in each year as practicable, the trustees shall file with the board, or boards of supervisors if the district is situated in more than one county, a report, setting forth all their transactions during the fiscal year, and containing an itemized account of all their receipts and disbursements during the fiscal year together with proper vouchers for them.

Report

### Article 4. Perpetual [Endowment] Care Fund

9000. The trustees may, upon a two-thirds vote, establish and create a fund to be known as "the endowment care fund," and for this purpose may set aside, use, and apply from any unexpended funds such sum as in the judgment of the trustees may be necessary or expedient to provide for the endowment care of the burial lots in the cemetery and for this purpose may receive property by grant, gift, devise, or any other method.

"The endowment care fund"

(Amended by Stats. 1951, Ch. 176.)

9001. No part of the tax levy shall be used for the endowment care fund.

Taxes

(Amended by Stats. 1951, Ch. 176.)

9002. The trustees may invest and reinvest the principal of the fund in such income producing securities as may be approved by the treasurer and the district attorney of the county in which the district is situated.

Investment

9003. No part of the principal of the fund shall be expended for the care of the lots, but such expenditures shall be limited to the income from the fund.

Limitation

- Report** 9004. The trustees shall annually on or before the first day of July, file with the board of supervisors of the county in which the district is situated, an itemized report of the receipts and expenditures from the fund.
- Income** 9005. All money received from the income of the fund shall be deposited in the county treasury of the county in which the cemetery is situated, in the endowment care fund. This fund shall be expended solely for the purpose specified upon warrants issued by the county auditor on orders signed by not less than two of the trustees.
- (Amended by Stats. 1951, Ch. 176.)

## CHAPTER 9. ANNEXATION OF TERRITORY

### Article 1. Petition

- Authority** 9025. The boundaries of any district may be altered and outlying territory, whether in one or more counties, may be annexed as provided in this chapter.
- Petition** 9026. Fifty or more freeholders within the territory proposed to be annexed, or a majority of freeholders if there are less than 100 within the territory proposed to be annexed, may present a petition for annexation of territory to the board of supervisors of the county in which the district is situated, or if the district is in more than one county, to the board of supervisors of the county in which the largest portion of the district is situated.
- Boundary designation** 9027. The petition shall designate the boundaries of contiguous territory proposed to be annexed.

### Article 2. Notice and Hearing

- Notice: Publication or posting** 9050. At the first regular meeting after the presentation of the petition, the board of supervisors shall cause notice of the petition to be published in a newspaper published and circulated in the territory sought to be annexed, if there is such a newspaper, otherwise, by posting copies of the notice in three of the most conspicuous places in the territory proposed to be annexed, for three weeks prior to the date to be fixed by the board for hearing the petition.
- Hearing** 9051. Upon the date fixed for hearing, or to which it may be continued, the board of supervisors shall consider the petition and any objections which may be filed to the inclusion of property in the district.
- Order** 9052. The board of supervisors, by order entered on its minutes, may grant the petition either in whole or in part, and, by order entered on its minutes, may alter the boundaries of the district and annex all, or such portion of the territory described in the petition as will be benefited by inclusion in the district.
9053. (Repealed by Stats. 1941, Ch. 933.)
- Exclusion of territory** 9054. Territory which will not be benefited, or which is not contiguous to the district, or which is not described in the petition, shall not be included in the district.

9055. No territory shall be annexed except upon an affirmative vote of two-thirds or more of the qualified electors of said territory at an election which shall be called, noticed, conducted, and the results determined as provided in this part for elections on formation of districts. If two-thirds or more of the votes at such election are in favor of annexation the board shall make an order declaring the territory annexed to the district and thereafter said territory shall be a part of the district, and, with the rest of the district, liable for all taxes to be levied for the operation and maintenance of the district.

Vote  
required

(Added by Stats. 1941, Ch. 933.)

## CHAPTER 10. WITHDRAWAL OF TERRITORY

### Article 1. Petition

9075. Any portion of a district which will not be benefited by remaining within the district may be withdrawn as provided in this chapter.

Authority

9076. Fifty or more freeholders residing in, or owning property within the portion desired to be withdrawn from a district or a majority of freeholders, if there are less than 100 freeholders within the portion sought to be withdrawn, may request withdrawal of that portion from the district on the ground that that portion will not be benefited by remaining in the district.

Petition

### Article 2. Notice and Hearing

9077. The board of supervisors shall fix a time for the hearing of the petition and for hearing protests to the continuance of the remaining territory as a district, which shall not be less than 10 nor more than 60 days after the receipt of the petition. The board shall, at least 30 days prior to the time so fixed, publish a notice of the hearing by one insertion in a newspaper, circulated in the district, which the board deems most likely to give notice to the inhabitants of the proposed withdrawal.

Time for  
hearing

Notice

9078. Any person interested may appear at the hearing and object to the withdrawal of that portion from the district, and may object to the continuance of the remaining territory as a district, and the board of supervisors shall consider all objections and shall pass upon the petition and objections and if it finds that that portion of the district sought to be withdrawn will not be benefited by remaining within the district, and that the territory not sought to be withdrawn will be benefited by continuing as a district, it shall grant the petition.

Objections

Determina-  
tion

## CHAPTER 11. EFFECT ON PREVIOUS LAWS

9100. No right or obligation of a cemetery district formed and operating pursuant to the provisions of Chapter 106, Statutes of 1909, as amended, is affected by the repeal of that

Effect of  
repeal



act, but any district so organized and operating may continue in existence only subject to this part.

(Amended by Stats. 1941, Ch. 933.)

## CHAPTER 12. ABANDONMENT

(Chapter 12 added by Stats. 1941, Ch. 715)

Acquisition  
of nonperpetual  
care cemetery

9201. Any public cemetery district may acquire, by grant, gift, or any other method, any nonperpetual care cemetery existing in the district at the time of its formation in which there has not been interred any human dead for the period of twenty (20) years.

(Added by Stats. 1941, Ch. 715; amended by Stats. 1945, Ch. 936.)

9202. (Added by Stats. 1941, Ch. 715; amended by Stats. 1943, Ch. 760; repealed by Stats. 1945, Ch. 936.)

Removal

9203. Any public cemetery district having acquired a cemetery within its district boundary lines, as hereinbefore provided, may, by resolution of its board of directors, if no human dead have been interred therein for a period of twenty (20) years immediately preceding the date of the resolution, declare the abandonment in whole or in part of the cemetery as a burial place for the human dead and for the removal of human remains interred therein to another cemetery or cemeteries within the boundaries of the district as in this chapter provided.

(Added by Stats. 1941, Ch. 715; amended by Stats. 1943, Ch. 760.)

Notice

9204. Any resolution or declaration for abandonment and removal duly adopted and made under the provisions of this chapter shall specify and declare that at any time after the expiration of two months after the first publication of the notice of declaration of abandonment and removal required to be published, as in this chapter set forth, the human remains then remaining in the cemetery or part thereof will be removed by the district owning or controlling the cemetery.

(Added by Stats. 1941, Ch. 715.)

Publication

9205. Notice of the declaration of abandonment and the proposed removal of the human remains from any abandoned cemetery, or part thereof, shall be given, to all persons interested therein, by publication in a newspaper of general circulation published within the public cemetery district and most likely to give notice to the parties concerned. If no newspaper of general circulation is published in the district, then publication shall be made in a newspaper of general circulation published in the county within which the district is located. Publication shall be made once a week for four consecutive times. The notice shall be entitled "Notice of the Declaration of Abandonment of Lands for Cemetery Purposes and of Intention to Remove the Human Bodies Interred Therein"

and shall specify a date not less than two months after the first publication of the notice when the district owning or controlling the cemetery lands and causing the notice to be published will proceed to remove the human remains then remaining in such cemetery, or part thereof.

(Added by Stats. 1941, Ch. 715.)

9206. Copies of the notice so published shall within 10 days Posting after the first publication thereof be posted in at least three conspicuous places in the cemetery from which the removal of the human remains interred therein are to be made, and a further copy of the notice shall be mailed by registered letter to every person who owns or holds or has the right of burial in any lot, or plot in the cemetery, or part thereof, affected by the resolution or declaration of abandonment and removal, whose name appears as owner or controller upon the records of the cemetery. The notice so mailed shall be addressed to the last known post-office address of the respective lot owner or plot holder as the same appears from the records of the cemetery, and if no address appears or is known, then it shall be addressed to such persons at the county seat of the county in which the cemetery land is situated. Notice shall be mailed to any known living heir at law of any person whose remains are interred in the cemetery when the address of the heir is known.

(Added by Stats. 1941, Ch. 715.)

9207. After the completion of the publication, posting and mailing of the "Notice of Declaration of Abandonment of Land for Cemetery Purposes and of Intention to Remove the Human Bodies Interred Therein," and after the expiration of two months as specified in the notice, the district owning or controlling the cemetery shall have power to cause the removal of all human remains interred in the cemetery, or part thereof, to be abandoned as a cemetery or burial place of the dead, and to cause the reinterment in other cemeteries in the district where burials are permitted, without further notice to any persons claiming any interest in the cemetery or part thereof, or in the remains therein interred. Power to remove

(Added by Stats. 1941, Ch. 715.)

9208. At any time before the date fixed for the removal of the remains by the district owning or controlling such cemetery land, any relative or friend of any person whose remains are interred in the cemetery or part thereof, from which it is proposed to make removal may give the district proposing to make removals, written notice that he or she desire to be present when the remains of a friend or relative, are disinterred or reinterred. The notice shall state the name of the person whose remains are referred to and as accurately as possible shall describe the lot or plot where the remains are buried and the date of the burial, and shall specify an address to which the notice provided for in Section 9209 Presence of persons interested

may be made. Notice may be delivered at the office or the principal place of business of the district owning or controlling the cemetery land and proposing to make removal, or may be forwarded thereto by registered mail.

(Added by Stats. 1941, Ch. 715.)

Notice to  
persons  
interested

9209. Upon receipt of such notice before the date fixed for the removal of the remains by the district proposing to make removals, it shall be the duty of the district to give written notice, to the persons giving the notice provided in Section 9208, of the time when the remains shall be disinterred and of the time when and the place where the same will be reinterred. The notice shall be given by delivery thereof at the address stated in the notice referred to in Section 9208, or by mailing the same to the person giving such notice, at the address stated, delivery or mailing to be made not less than ten (10) days prior to the date specified for the disinterment of such remains. Whenever written notice shall be given by a relative or a friend of any persons interred in the cemetery lands from which removals are proposed to be made, the district owning or controlling such cemetery land and proposing to remove the bodies interred therein shall not disinter the bodies until notice of time of such disinterment is given such relative or friend.

(Added by Stats. 1941, Ch. 715.)

Voluntary  
removals

9210. At any time prior to the removal, by the district owning or controlling the abandoned cemetery land, of the remains of any persons buried in the abandoned cemetery, any relative or friend of the person may voluntarily remove the remains and deposit the same as he may desire; provided, however, that the persons desiring to cause removal prior to such removal shall deliver to the district owning or controlling the abandoned cemetery, an affidavit, duly sworn to before an officer qualified to administer oaths, stating the name of the person whose remains it is desired to remove and further stating, so far as is known to affiant, the date of burial of the remains and the names and places of residence of the heirs at law of the deceased person.

(Added by Stats. 1941, Ch. 715.)

Heirs at law

9211. In the event that the person desiring to cause such removal is not an heir at law of the person whose remains he desires to remove, removal shall not be made by him until he shall have delivered to the district owning or controlling the abandoned cemetery a written consent of a majority of the known heirs at law of the deceased person who are residents of the State of California. The statements in the affidavit shall be sufficient evidence of the numbers, names and residence of the heirs at law for all the purposes of this chapter, and the written consent of the majority of the heirs at law named in the affidavit shall be sufficient warrant and authority for the district owning or controlling the abandoned cemetery to permit the removal of the remains by such persons.

(Added by Stats. 1941, Ch. 715.)



9212. The purchaser or owner of any burial lot or plot in the abandoned cemetery, or part thereof, or of the right of burial therein or any one of the joint purchasers of any lot or plot of burial land therein may cause the removal of any person or of the remains interred in such lot or plot without the necessity of signing any affidavit of consent as specified in Section 9210. Owner of lot

(Added by Stats. 1941, Ch. 715.)

9213. If the right, title or interest of any grantee of any burial lot or plot of the abandoned cemetery, or the right of burial therein, shall have passed by succession to the heir or heirs at law of the grantee without formal distribution by order of court, the heir or heirs at law may remove the remains of persons interred in such lot or plot, and the affidavit of any heir at law setting out the fact of heirship shall be accepted by the district owning or controlling the abandoned cemetery land from which removals are to be made as sufficient evidence for all the purposes of this chapter of the fact of the transfer of title or right of burial to such heir, or heirs at law. Heir of owner

(Added by Stats. 1941, Ch. 715.)

9214. Whenever the remains of any person shall have been removed from any abandoned cemetery, or the part thereof abandoned as a burial place under the provisions of this chapter, by the district having charge or control of the abandoned cemetery lands, the remains shall be transported and reinterred in any other cemetery lands, within the boundaries of the district having charge or control of the abandoned cemetery land as provided in this chapter. Reinterment

(Added by Stats. 1941, Ch. 715.)

9215. The remains of each person reinterred shall be placed in a separate and suitable receptacle and decently and respectfully interred under the rules and regulations now in force or that may be adopted by the district making removal. Receptacle

(Added by Stats. 1941, Ch. 715.)

9216. Whenever the remains of any person shall be removed from any abandoned cemetery by any relative or friend of such person, under the provisions of this chapter, the persons causing such removal shall also be entitled to remove any vault, monument, headstone, coping or other improvement appurtenant to the grave from which the remains have been removed, and the affidavit or written consent given under the provisions of Section 9210 shall be sufficient warrant and authority for the district owning or controlling the abandoned cemetery to permit the removal of any vault, monument, headstone, coping or other improvement appurtenant to the grave. Vaults, monuments

(Added by Stats. 1941, Ch. 715.)

9217. Whenever the remains of any person buried in any lot or plot shall have been removed, and any vault, monument, headstone, coping or other improvement appurtenant thereto shall remain on the lot or plot for more than sixty (60) Removal of vaults

days after removal of the last human remains therefrom, the vault, monument, headstone, coping or other improvement may be removed and disposed of by the district owning or controlling the abandoned cemetery land, and thereafter no persons claiming any interest in the lot or plot or the vault, monument, headstone, coping or other improvement appurtenant thereto, shall have the right to maintain in any court, any action in relation to such vault, monument, headstone, coping or other improvement so removed or disposed of.

(Added by Stats. 1941, Ch. 715.)

Sale of  
portion

9218. Whenever a cemetery or part thereof has been abandoned as a cemetery or place of burial for the human dead, as provided in this chapter, by the district owning or controlling the same, the parts or portions thereof in which no interments have been made and the parts and portions thereof from which all human remains have been removed may be sold by the district owning and controlling the abandoned cemetery lands. No order of any court shall be required in order to make any sale of lands abandoned for cemetery purposes and from which the human remains have been removed.

(Added by Stats. 1941, Ch. 715.)

Costs of  
removal

9219. Whenever any district shall have resolved upon the abandonment of any cemetery, or part thereof, and the removal of the human remains therefrom, under the provisions of this chapter, the district shall have power to employ any moneys in its treasury to defray the expenses of such abandonment and removal, including the expenses of purchasing additional lands or otherwise providing a suitable place for the interment in any other cemetery within the boundaries of the district and under its control; also including the expenses of disinterment, transportation and reinterment; also including the expenses of the removal and disposal of any vaults, monuments, headstones, coping or other improvements which may remain after the human bodies are removed from any abandoned cemetery or part thereof; also including all necessary expenses incident to the sale of any lands; also including all other expenses necessarily incurred in carrying out the abandonment of the abandoned cemetery lands and the removal and reinterment of the bodies removed and all other expenses incident to any of the above purposes.

(Added by Stats. 1941, Ch. 715.)

Receipts

9220. Any moneys received by the district from the sale of the lands of the abandoned cemetery may be used for any purpose as the district may lawfully declare.

(Added by Stats. 1941, Ch. 715.)

Conveyance  
of new lots

9221. Whenever any district shall remove human bodies or the remains thereof from any abandoned cemetery lands the district shall reinter any human remains removed in the established cemetery of the district; and thereafter the lots or plots in which the human remains removed have been reinterred shall be conveyed to the person or persons, if known, who owned the lot or plot in the abandoned cemetery from

which the human remains were removed, and the conveyance shall be in full of all right, title and interest of any person or persons owning any lot or plot in the abandoned cemetery from which the human remains have been removed.

(Added by Stats. 1941, Ch. 715.)

9222. In event of any person or persons owning any lot Same or plot of land within the abandoned cemetery in which no human remains have been interred, the directors of the district owning or controlling the lands of the abandoned cemetery shall convey to such person or persons owning any lot or plot in the abandoned cemetery a lot or plot of equal dimensions in the cemetery owned and conducted by the district and such conveyance shall be in full of all right, title and interest in and to the lot or plot owned by such person or persons in the abandoned cemetery, and thereafter no person or persons claiming any interest in any such lot or plot shall have the right to maintain in any court an action in relation to such lot or plot owned by such person or persons in the abandoned cemetery.

(Added by Stats. 1941, Ch. 715.)

9223. After the removal and reinterment of the human Markers bodies disinterred from any abandoned cemetery, or part thereof, the district owning or controlling the abandoned cemetery lands and making removals shall cause to be erected upon or imbedded in any lot or plot wherein any such body is reinterred, a suitable permanent marker identifying the remains and shall prepare a complete record of the name of each person, where known, whose body was reinterred and the lot or plot in the cemetery where the body is reinterred and such record shall be kept on file in the office of the district making the removals and reinterments and shall at all times be open to inspection of the relatives or friends of those so reinterred.

(Added by Stats. 1941, Ch. 715.)

9224. After the removal of all human remains interred in Recording any part or the whole of the cemetery lands abandoned as a burial place for the human dead as provided in this chapter, the district owning or controlling the abandoned cemetery lands may file for record in the office of the county recorder of the county or city and county in which the lands are situated, a written declaration reciting that all human remains have been removed from the part or portion of the lands described in the declaration. The declaration shall be acknowledged in the manner of the acknowledgement of deeds to real property by the president and secretary, or other corresponding officers, of the district owning or controlling the abandoned cemetery lands, and thereafter any deed or other conveyance of any part of such lands shall be conclusive evidence in favor of any grantee therein named, his successors or assigns, of the fact of the complete removal of all human bodies therefrom.

(Added by Stats. 1941, Ch. 715.)



General  
permit

9225. In the disinterment, transportation, and removal of human remains made under the provisions of this chapter, it shall not be necessary for the district owning or controlling the abandoned cemetery lands to obtain from the board of health or health officer of the city, city and county, or town where the cemetery lands are located, a separate permit for the disinterment, transportation, or removal of the remains of each person so disinterred, transported, or removed, but disinterment, transportation, and removal of the human remains shall be made subject to reasonable rules and regulations relative to the manner of disinterring, transporting or removing remains as may be adopted by the board of health or the health officer of the city, city and county, or town wherein the cemetery lands are situated.

(Added by Stats. 1941, Ch. 715.)

## PART 5. MAUSOLEUMS AND COLUMBARIUMS

### CHAPTER 1. GENERAL PROVISIONS

Definitions

9501. As used in this part:

“Mausoleum” means any building, used, or intended to be used, for the interment of uncremated human remains.

“Columbarium” means any building, used, or intended to be used, for the interment of cremated human remains.

Scope of  
part

9502. This part applies to all buildings, mausoleums and columbariums used or intended to be used for the interment of the remains of 15 or more persons whether erected under or above the surface of the earth where any portion of the building is exposed to view or, when interment is completed, is less than three feet below the surface of the earth and covered by earth.

Converted  
or altered  
building

9503. A building not erected for, or which is not used as, a place of interment of human remains which is converted or altered for such use is subject to this part.

### CHAPTER 2. ENFORCEMENT

Within  
cities:  
Building  
department

9525. The building department of each city and city and county shall enforce the provisions of this part pertaining to the erection, construction, reconstruction, conversion, and alteration of mausoleums, columbariums, and buildings erected or used for the interment of human remains, and shall issue certificates of final completion and acceptance upon compliance with this part.

Health  
department

9526. The health department of each city or city and county, shall enforce the provisions of this part pertaining to sanitation, ventilation, use, and maintenance after the mausoleums or columbariums have been erected, constructed, reconstructed, converted, or altered.

If there is no health department in the city or city and county, the officer or officers who are charged with the enforcement of ordinances and laws regulating the sanitation, ventilation, and maintenance of buildings, shall enforce the provisions of this part pertaining to sanitation and use of mausoleums and columbariums.

9527. Every city or city and county may designate and charge by ordinance any department or officer with the enforcement of any portion of this part. Designation

9528. In every county the officer or officers charged with the enforcement of ordinances or laws regulating the erection, construction, conversion, or alteration, or the ventilation, sanitation, and maintenance, of buildings shall enforce the provisions of this part outside of the limits of any city. Outside cities

### CHAPTER 3. PERMITS AND PLANS

#### Article 1. General Provisions

9550. It is unlawful for any person to construct, or cause or permit to be constructed upon any property belonging to or controlled by him, any building, or to make any alterations or changes or do reconstruction work upon, in or to any building erected prior to August 14, 1929, for use as a place of interment of human remains without first having applied for and procured a building permit. Building permit

9551. The erection, construction, reconstruction, or alteration of any such buildings shall be in accordance with the plans and specifications submitted and filed and for which the permit is issued. Conformance with plans

#### Article 2. Application and Plans

9560. A person desiring a permit shall file a written application on forms furnished by the department with the department charged with the duty of issuing the permit. Application

The application shall:

(a) Show in detail the proposed erection, construction, reconstruction, or alteration.

(b) State the name and address of the owner.

(c) State the name and address of the architect, structural engineer, or contractor, if any.

(d) State that the plans and specifications are true and contain a correct description of the proposed work.

(e) Give any other data or information required by the department.

9561. The application shall be accompanied by:

(a) Two full, true and complete sets of plans showing in detail the work proposed and whether it is for new work, reconstruction, or alteration. Plans and specifications

(b) Two sets of specifications describing the proposed work.

(c) The plans of the lot or land on which the building is proposed to be erected, reconstructed, or altered.

Issuance of  
permit

9562. The department charged with the enforcement of this part shall cause all plans, specifications, and statements to be examined and, if they conform to the provisions of this part, shall issue a permit to the person requesting it.

Change in  
plans

9563. The department may, from time to time, approve changes in any plans, specifications, or statements previously approved if the changes are in conformity with the provisions of this part.

Keeping  
plans

9564. A true copy of the plans, specifications, and other information submitted or filed upon which a permit is issued, with the approval of the department with which they are filed, stamped or written on the copy, and signed by the officer or officers authorizing the permit, shall be kept upon the premises of the building for which the permit is issued from the commencement of the work until final completion and acceptance, and shall be subject to inspection at all times by proper authorities.

### Article 3. Cancellation of Permit

Cancellation

9575. In the case of any refusal, failure, or neglect of the person to whom a permit or approval has been issued to comply with all of the provisions of this part, or in case any false statement or misrepresentation is made in any of the plans, specifications or statements submitted or filed for the permit or approval, the department shall revoke or cancel any permit or approval it has previously issued.

### Article 4. Expiration of Permit

Effect of  
issuance

9580. The issuance or granting of a permit or approval is not a permit or approval of a violation of any provision of this part.

Expiration

9581. Every permit or approval under which no work is done within 90 days from the date of issuance, or under which work has been suspended for a period of 90 days, expires by limitation and a new permit shall be obtained before the work may proceed.

## CHAPTER 4. INSPECTION AND APPROVAL

Notification

9590. When the work is completed in accordance with the plans, specifications, and statements previously made and upon which the permit or approval was issued, the owner or contractor shall notify the department charged with the enforcement of this part.

Inspection  
and cer-  
tificate

9591. The department shall inspect or cause the work to be inspected, and shall issue a certificate of final completion if the work has been performed in accordance with the approved plans, specifications, and statements, and, if not, it shall refuse to issue the certificate.



## CHAPTER 5. CONSTRUCTION

## Article 1. General Provisions

9600. No building or structure intended to be used for the interment of human remains shall be constructed, and a building not used for the interment of human remains shall not be altered for use or used for interment purposes, unless constructed of such material and workmanship as will insure its durability and permanence as dictated and determined at the time by modern mausoleum construction engineering science, the minimum requirements for which are set forth in this chapter.

Material and  
workmanship

9601. All mausoleums or columbariums hereafter constructed shall be of class "A" fireproof construction.

Class "A"  
fireproof  
construction  
Definition

9602. Class "A" fireproof construction, also designated as "fireproof," class "A" construction, or "skeleton" construction, includes every building in which all external or internal loads or strains are transferred to the foundations by means of a structural frame of fire protected structural steel or reinforced concrete, or the columns, beams, and girders of which are riveted to each other at their respective juncture points.

9603. Buildings not exceeding 25 feet in height and constructed of granite or marble shall be considered as of class "A" construction when they fulfill all other provisions of this chapter.

Buildings  
within  
definition

9604. All details of construction such as structural strength, fireproofing, ventilation of rooms and hallways, plumbing, lighting, and all other details commonly specified under class "A" construction, shall be in accordance with the ordinances and specifications governing class "A" construction in the cities of San Francisco or Los Angeles, and shall be directly in accordance with the ordinances and specifications of that city above named which is the lesser distance from the site of the mausoleum or columbarium to be constructed.

Details of  
construction

9605. If the proposed site is within the jurisdiction of a city having ordinances and specifications governing class "A" construction, the provisions of the local ordinances and specifications shall not be violated.

Violation  
of local  
ordinances

## Article 2. Structural and Material Requirements

9625. All structural design and materials shall conform substantially with the minimum requirements set forth in this chapter.

Minimum  
require-  
ments

9626. Earthquake stresses shall be considered in all structural design.

Earthquake  
stresses

9627. All footings, bearing walls, beams, columns, floor slabs, and other structural members shall be designed and constructed with a safety factor of four.

Structural  
members

9628. All floors shall be designed for live load of not less than 100 pounds per square foot.

Floors

Footings: Material	9629. Footings for any mausoleum, or columbarium hereafter erected shall be of concrete, reinforced with steel as required structurally.
Loads	9630. All live and dead loads shall be transferred by the walls or columns direct to the footings. The total load on any footing shall not exceed the safe soil bearing value as determined by a loading test.
Size, etc.	9631. Footings shall be designed for total loads, but relative sizes of footings shall be governed by the dead loads only, with a proper reduction of the allowable soil bearing value.
Crypts	9632. Each crypt shall be designed for a total live load of 600 pounds.
Load-carrying walls	9633. Any mausoleum or columbarium load-carrying walls hereafter erected shall be constructed of the following materials, singly or in combination: Concrete, cut stone, cast stone, granite or marble, all reinforced, anchored, and supported in such a manner as to insure an enduring and safe structure.
Bearing walls	9634. In any new building, or in any alteration or addition to any existing building for use for the interment of human remains, all bearing walls shall be of granite, marble, or reinforced concrete.
Same	9635. If the building exceed 25 feet in height, bearing walls shall be of reinforced concrete.
Water-proofing	9636. Where any wall is constructed against a bank of earth or rock or other porous material the exterior face of the wall above the footing shall be thoroughly and efficiently waterproofed before backfilling is done.
Fastenings	9637. Fastenings on hangers, clasps, clips, wires, doors, and other fasteners shall be of brass, aluminum or copper of not less than 22 gauge copper-bearing iron or steel.
Vertical work	9638. All base, architraves, wainscoting, and all other vertical work shall be securely clamped to the backing with rods and heavy wire clips or other anchoring devices of materials specified in Section 9637. All cast clips shall be countersunk into the joint surface and set in plaster.
Marble floor work	9639. Marble floor work shall be set in a full bed of non-staining cement mortar of a proportion of not less than one part of cement to two parts of sand and tamped to a uniform bearing true to line.
Stone	9640. All stone of any description shall be set on an even bed of mortar except lug sills and similar work exposed to uneven pressure which shall be bedded only at the ends.
Mortar joints	9641. Mortar joints shall be of uniform thickness not to exceed three-sixteenths of an inch and shall be raked out to a depth of three-quarters inch as the work progresses.
Cleaning joints, etc.	9642. On completion of granite, cut stone, or cast stone work all joints shall be brushed, cleaned thoroughly, wet, and carefully filled with mortar, solidly packed in and pointed.
Mortar for pointing	9643. Mortar for pointing shall be composed of one part lime putty, two parts white Monterey sand, or its equivalent, and two parts of nonstaining Portland cement.

9644. Every building, vault, or structure for use for the Material  
 interment of human remains shall be constructed throughout  
 of nonflammable material, and all steel work shall be covered  
 with not less than two inches of concrete, except that steel  
 framework for elevators, windows, doors, skylights, and other  
 similar openings need not be encased in concrete, but shall be  
 treated with an efficient preservative.

9645. The roof shall be constructed of reinforced concrete, Roof  
 granite, tile, or marble. The upper surface of all reinforced  
 concrete roofs shall be covered with asphaltum, or other fire  
 resisting material.

9646. Skylight frames shall be of galvanized iron not less Skylights  
 than number twenty-four gauge or copper. All joints shall be  
 riveted and soldered. All glass in skylights shall be wire glass  
 not less than one-fourth of an inch in thickness.

9647. All walls of crypts not built of granite or marble Crypt walls:  
Concrete  
 shall be constructed of concrete mixed with the proportion of  
 not less than one part of cement to two and one-half parts sand  
 and three and one-half parts crushed rock or screen gravel.

9648. All crypt walls shall be not less than four inches in Thickness  
 thickness and shall be reinforced with steel; crypt floor slabs  
 shall be not less than three inches thick and shall be reinforced  
 with steel to conform to slab specifications of class "A" con-  
 struction.

9649. In no case shall the concrete walls of a crypt or Load  
strains  
 niche be so constructed as to be subject to any of the load  
 strains of the building structure, except where crypt or niche  
 walls intersect or are a part of structural walls.

9650. In mausoleums where air ventilation is used and Air space  
 crypts are situated adjacent to an outside building wall below  
 ground level an air space not less than 18 inches wide shall be  
 provided between the outside wall and the crypt walls and the  
 air space shall be supplied with ventilation and shall have one  
 or more doorways not less than 15 inches wide by five feet  
 high.

9651. The mortar for setting all stone work shall be com- Mortar for  
stone setting  
 posed of not less than one part of nonstaining Portland cement  
 to three parts of clean, white, coarse sand, tempered with lime  
 putty.

9652. All bed joints shall be accurately cut or sawed to Bed joints  
 true planes and shall contain no concave surface.

9653. Cut stone or cast stone exterior veneering shall be Veneering:  
Thickness  
 not less than two inches in thickness for all courses. Marble  
 exterior veneering shall be not less than one and one-half  
 inches in thickness for all courses. Terra cotta exterior veneer-  
 ing shall conform to standard practice.

9654. All exterior veneering work shall be bonded or tied Bonding  
 to the structural steelwork and masonry as follows: Corners,  
 belt courses, copings, pilasters, bases, caps, sills, architraves,  
 and other ornamental and special work which may have pro-  
 jecting members shall have sufficient bearing on the walls to  
 balance independent of anchors.



**Sills** 9655. Sills shall extend not less than three inches back of the window sill proper and shall have a fillet to receive the sills.

**Anchors** 9656. All exterior veneering shall be anchored by placing one-quarter inch diameter anchors at the top of each stone and these anchors shall set into seats in the stone not less than one inch in depth and shall extend into the concrete work not less than six inches, and the face of the concrete shall not be less than three inches back of the stone unless dowel type of anchors are used.

**Same** 9657. All dowel anchor slots shall be made of 22 gauge copper-bearing galvanized iron. There shall be two anchors for each stone one foot six inches or over in length and one anchor for smaller stones and anchors shall be placed not over one foot from the ends of the stone. All anchors shall be dipped in hot asphaltum.

## CHAPTER 6. PENALTIES

**Violation** 9675. Every person who violates any provision of this part is guilty of a misdemeanor, punishable by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or by imprisonment in a county jail not less than 10 days nor more than six months, or by both; and in addition is liable for all costs, expenses, and disbursements paid or incurred by the department or person prosecuting the case.

**Unlawful erection** 9676. Every owner or operator of a mausoleum or columbarium erected in violation of this part is guilty of maintaining a public nuisance and upon conviction is punishable by a fine of not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) or by imprisonment in a county jail for not less than one month nor more than six months, or by both; and, in addition is liable for all costs, expenses and disbursements paid or incurred by the department or person prosecuting the case. Each calendar month during which such public nuisance exists constitutes a separate offense.

The costs, expenses, and disbursements shall be fixed by the court having jurisdiction of the case.

**Exception** 9677. The penalties of this chapter shall not apply as to any building which, at the time of construction was constructed in compliance with the laws then existing, if its use is not in violation of the laws for the protection of public health.

## DIVISION 9. VITAL STATISTICS

### CHAPTER 1. GENERAL PROVISIONS

**Enforcement** 10000. The State Department of Public Health is charged with the uniform and thorough enforcement of this division throughout the State, and may promulgate additional regulations for its enforcement.

**Certificates** 10001. All certificates of birth or of death shall be written legibly, in durable black ink, and a certificate is not complete

and correct that does not supply all of the items of information called for, or satisfactorily account for their omission.

10002. All physicians, midwives, informants, funeral directors, clergymen, or judges, and all other persons having knowledge of the facts, shall supply, upon the forms provided or upon the original certificate, such information as they may possess regarding any birth, death, or marriage upon demand of the State registrar, in person, by mail, or through the local registrar. Supplying information

10003. No certificate of birth, death, or marriage, after its acceptance for registration by the local registrar or county recorder, and no other record made in pursuance of this division, shall be altered or changed in any respect, except where supplemental information required for statistical purposes is furnished. Alteration of certificates

10004. (Repealed by Stats. 1941, Ch. 182.)

10005. (Repealed by Stats. 1941, Ch. 182.)

10006. (Repealed by Stats. 1941, Ch. 182.)

10007. (Repealed by Stats. 1941, Ch. 182.)

10008. Every person in charge of a hospital, almshouse, lying-in or other institution, public or private, to which persons resort for treatment, confinement, or are committed by process of law, shall make a record of the personal and statistical particulars relative to the inmates thereof sufficient and adequate for the completion of a birth or death certificate. Institution records

(Amended by Stats. 1941, Ch. 182.)

10009. In case of persons admitted or committed for treatment of disease, the physician in charge shall specify in the record the nature of the disease, and where, in his opinion, it was contracted. The personal particulars and information required shall be obtained from the individual himself if practicable; and when they can not be so obtained, they shall be obtained in as complete a manner as possible from relatives, friends, or other persons acquainted with the facts. Disease information

10010. (Repealed by Stats. 1947, Ch. 598.)

10011. (Repealed by Stats. 1947, Ch. 598.)

## CHAPTER 2. ADMINISTRATION

### Article 1. State Administration

10025. (Repealed by Stats. 1945, Ch. 1005.)

10026. The Director of Public Health shall be the State Registrar of Vital Statistics. State Registrar

(Amended by Stats. 1945, Ch. 1005.)

10027. (Repealed by Stats. 1945, Ch. 1005.)

10028. (Repealed by Stats. 1945, Ch. 1005.)

10029. The State department shall prepare and distribute all forms and blanks for use in registering, recording, and Forms

preserving the returns, or in otherwise carrying out the purposes of this division.

(Amended by Stats. 1945, Ch. 1005.)

**Instructions** 10030. The State department shall prepare and issue such detailed instructions as may be required to procure the uniform observance of this division and the maintenance of a perfect system of registration; and no forms or blanks other than those so prepared shall be used.

(Amended by Stats. 1945, Ch. 1005.)

**Examination of certificates** 10031. The State department shall carefully examine the certificates received from the local registrars, and if they are incomplete or unsatisfactory shall require such further information as may be necessary to make the record complete and satisfactory.

(Amended by Stats. 1945, Ch. 1005.)

**Reports of violations** 10032. When the State department deems it necessary, it shall report cases of violation of any of the provisions of this division to the district attorney of the county, with a statement of the facts and circumstances; and the district attorney shall forthwith initiate and promptly follow up the necessary court proceedings.

**Attorney General** 10033. Upon request of the State department, the Attorney General shall assist in the enforcement of the provisions of this division.

**Supervision** 10034. The State registrar is charged with the execution of the provisions of this division in this State, and has supervisory power over local registrars, deputy local registrars, and subregistrars, so that all of the requirements of this division shall be uniformly complied with.

**Investigations** 10035. The State registrar, either personally or by an accredited representative may investigate cases of irregularity or violations of law.

**Index** 10036. The State registrar shall arrange, and permanently preserve the certificates in a systematic manner and shall prepare and maintain a comprehensive and continuous index of all births, deaths, and marriages registered. The index shall be arranged, in the case of deaths, by the names of decedents; in the case of births, by the names of fathers and maiden names of mothers; and in case of marriages by the names of both grooms and brides.

(Amended by Stats. 1943, Ch. 999.)

**Information re disease** 10037. The State registrar shall inform all registrars which diseases are to be considered infectious, contagious, or communicable and dangerous to the public health, as decided by the State department, in order that when deaths occur from such diseases proper precautions may be taken to prevent their spread.

## Article 2. Registration Districts

**Districts** 10050. For the purposes of this division the State shall be divided into registration districts.



10051. Each city or city and county having at least 5,000 inhabitants according to the next preceding Federal census, constitutes a primary registration district. Primary districts

10052. Each county, exclusive of the cities in it which constitute primary registration districts may be subdivided by the State registrar into a sufficient number of primary rural registration districts, the boundaries of which he shall define and which he may alter, combine, or subdivide from time to time, as may be necessary to promote efficient and convenient registration of all births and deaths. Rural districts

### Article 3. Local Administration

10100. The health officer of any approved local health department, as defined in Division 1, Part 2, Chapter 8 of this code and approved thereunder is the local registrar in and for all registration districts within that health jurisdiction and shall perform all the duties of local registrar for birth and death registration. Local registrars:  
Health officers

(Amended by Stats. 1951, Ch. 116.)

10101. In other areas, the State Registrar shall appoint for each registration district, a local registrar for birth and death registration whose term of office shall be four years. The State Registrar may remove such appointee forthwith for failure or neglect to perform his duty. State appointees

(Original Section 10101 repealed by Stats. 1951, Ch. 116. Former Section 10104 amended and renumbered by Stats. 1951, Ch. 116, to be present Section 10101.)

10102. When it appears necessary for the convenience of the people outside the immediate locale of the local registrar's office, the local registrar may, with the approval of the State Registrar, appoint one or more suitable persons to act as subregistrars, who may receive certificates and issue burial or removal permits in and for designated portions of the district. Subregistrars

(Original Section 10102 repealed by Stats. 1951, Ch. 116. Former Section 10105 amended and renumbered by Stats. 1951, Ch. 116, to be present Section 10102.)

10103. Each assistant or deputy of any health officer who is also the local registrar may act as assistant or deputy registrar, and as such has all of the powers and may perform all of the duties of the local registrar, in the name and stead of his principal. Deputy

(Repealed and added by Stats. 1951, Ch. 116.)

10104. Amended and renumbered by Stats. 1951, Ch. 116, to be 10101.)

10105. (Amended and renumbered by Stats. 1951, Ch. 116, to be 10102.)

10106. (Repealed by Stats. 1951, Ch. 116.)

10107. (Repealed by Stats. 1951, Ch. 116.)

10108. (Repealed by Stats. 1951, Ch. 116.)

10109. (Repealed by Stats. 1951, Ch. 116.)

10110. (Repealed by Stats. 1951, Ch. 116.)

10111. (Repealed by Stats. 1951, Ch. 116.)

**Transmission to county recorder** 10112. Each local registrar, except a health officer of a city and county and health officers of cities of over 1,000,000 population, acting as local registrar, shall transmit to the recorder of the county for a special county record at the same time the original certificates are forwarded to the State Registrar of Vital Statistics a copy of each original birth certificate or death certificate, which shall exclude the medical and health section data.

(Amended by Stats. 1951, Ch. 116.)

**Marriage registrar** 10113. The county recorder is the sole local registrar for marriages and shall perform all the duties of the local registrar for marriages.

(Amended by Stats. 1951, Ch. 116.)

**Forms** 10114. Each local registrar shall supply blank forms of certificates to such persons as require them.

**Death certificate examination** 10115. He shall carefully examine each certificate of death when presented for record in order to ascertain whether or not it has been made out in accordance with this division and the instructions of the State registrar.

**Defects** 10116. If any certificate of death is incomplete or unsatisfactory, the local registrar shall call attention to the defects in the certificate and withhold the burial or removal permit until the defects are corrected.

**Certificate numbering** 10117. He shall number consecutively the certificates of birth and death, in two separate series, beginning with number one for the first birth and the first death occurring in each calendar year, and sign his name as registrar in attest of the date of filing in his office.

**Records** 10118. He shall make a complete and accurate copy of each birth certificate and each death certificate registered by him and file them in his office as the local registrar's copy of the record. After five years from the date of registration, and with the approval and under the supervision of the State Registrar, the local registrar may dispose of such local registrar's copies of the records; provided, that the original copies of such records are determined to be on file in the Office of the State Registrar; and provided further, that copies of such records are determined to be on file in the office of the county recorder. If the county recorder does not have copies of such records, he is hereby authorized to accept them as a special county record of the event.

(Amended by Stats. 1941, Ch. 182, and by Stats. 1951, Ch. 116.)

**Transmission to State Registrar** 10119. He shall transmit each week to the State Registrar all original certificates registered by him for the preceding week. If no births or no deaths were registered in any week, he shall report that fact to the State Registrar on a blank provided for that purpose.

(Amended by Stats. 1951, Ch. 116.)

10120. Under the supervision and direction of the State registrar, each local registrar is hereby charged with the strict and thorough enforcement of the provisions of this division in his registration district. He shall make an immediate report to the State registrar of any violation of this law coming to his knowledge. District enforcement

10121. Original records or abstracts of records of any birth or death which were filed with any political subdivision prior to July 1, 1905, may be filed with the county recorder of the county in which the event occurred, and the county recorder is hereby authorized to receive them as a special county record of the event. Births and deaths filed before July 1, 1905

(Added by Stats. 1951, Ch. 116.)

### CHAPTER 3. BIRTH REGISTRATION

#### Article 1. General Provisions

10150. The birth of each child born in this State shall be registered pursuant to this chapter. Required registration

#### Article 2. Duty of Registering Birth

10175. Within four days after the date of each birth, there shall be filed with the local registrar of the district in which the birth occurred, a certificate of birth. Certificate: Time to file

(Amended by Stats. 1951, Ch. 116.)

10176. (Repealed by Stats. 1951, Ch. 116.)

10177. The certificate shall be upon the form adopted by the State department. Form

10178. If a physician was in attendance upon the birth, the physician shall file the birth certificate. Filing: Physician

10179. If no physician was in attendance, the midwife or person acting as midwife, or one of the parents shall file the birth certificate. Midwife or parents

(Amended by Stats. 1951, Ch. 116.)

10180. (Repealed by Stats. 1951, Ch. 116.)

10181. (Repealed by Stats. 1951, Ch. 116.)

10182. (Repealed by Stats. 1951, Ch. 116.)

#### Article 3. Certificates of Birth

10200. The certificate of live birth shall be divided into two sections; the first section shall contain those items necessary to establish the fact of birth and the second section shall contain those items relating to medical and health data. The first section shall contain the following items and such other items as the state department may designate: Contents

- (1) Full name and sex of child.
- (2) Date of birth, including month, day and year.
- (3) Place of birth.
- (4) Parentage.



(a) Full name of father, birthplace of father, and color or race of father.

(b) Full maiden name of mother, birthplace of mother, color or race of mother.

(5) Signature and certification of attendant.

(6) Signature of local registrar and date received by local registrar.

(7) If given name is added later, the name and date of adding.

The second section shall contain the following items and such other medical and health items as the state department may designate:

(1) Multiple births and birth order of multiple births.

Provided, however, that when objection is made by either parent to the inclusion of medical and health items relating to the physical condition of the child because of conflict with religion, no such items shall be included.

(Amended by Stats. 1939, Ch. 385, by Stats. 1941, Ch. 182, by Stats. 1943, Ch. 196; repealed and added by Stats. 1951, Ch. 116.)

Missing  
information

10201. If a certificate of birth is incomplete, the local registrar shall immediately notify the informant, and require him to supply the missing items of information if they can be obtained.

10202. (Added by Stats. 1943, Ch. 196; amended and renumbered 10552 by Stats. 1945, Ch. 1005.)

#### Article 4. Unnamed Children

Supplemental  
report

10225. When any certificate of birth of a living child is presented without the statement of the given name, the local registrar shall make out and deliver to the parents of the child a special blank for a supplemental report of the given name of the child, which shall be filled out and returned to the local registrar as soon as the child is named.

#### Article 5. Adopted Children

Certificate  
of adoption  
decree:  
Recording

10250. Whenever a decree of adoption has been entered in any court in the State declaring a child legally adopted a certificate of the decree shall be recorded by the clerk of the court with the State registrar upon a form provided for that purpose.

Filing

10251. The certificate shall be filed with the original record of birth, which shall remain as a part of the records of the State department.

(Amended by Stats. 1945, Ch. 1005.)

Delayed  
birth reg-  
istration

10251.5. If there is no original record of birth on file, the certificate of the decree of adoption shall constitute a record of delayed birth registration, provided that the decree of adoption contains a statement of the date and place of birth.

(Added by Stats. 1947, Ch. 562.)

10252. Upon receipt by the State registrar of a certificate of the decree of adoption, a certificate of birth shall be issued bearing the name of the child as shown in the decree of adoption, the names of his foster parents; the age of the foster parents, the sex, date of birth and place of birth, but no reference in any birth certificate shall be made to the adoption of the child. Birth certificate

10253. This birth certificate shall supplant any birth certificate previously issued for the child and shall be the only birth certificate open to public inspection. In form and contents, it shall be identical with a birth certificate issued to natural parents for the birth of a child. Prior certificate

10253.5. When a new birth certificate is issued in place of the original birth certificate of an adopted child, the State registrar shall inform the local registrar and the county recorder whose records contain copies of the original certificate, and the local registrar and county recorder shall forward such copies to the State registrar for filing with the original certificate, if it is practical for the local registrar or county recorder to do so. If it is impractical for the local registrar or county recorder to forward the copy to the State registrar, the local registrar or county recorder shall effectually seal a cover over such copy in such a manner as not to deface or destroy such copy and forward a verified statement of his action to the State registrar. Thereafter the information contained in such copy shall be only available to any person as provided in Section 10254. Adopted child

(Added by Stats. 1941, Ch. 209.)

10253.7. A new certificate of birth may be issued by the State registrar in accordance with this article in the case of a child born in the State, but adopted by a legal proceeding in another State, in the District of Columbia, or in any Territory of the United States which has jurisdiction of the child, upon the filing with the State registrar of a copy of the decree or judgment of adoption certified by the judge who entered it or the person having the legal custodianship of the records in the proceeding. When any such certificate is issued, it shall be treated in all respects the same as, and governed by all the provisions of this article pertaining to, a certificate issued in the case of a child adopted in this State. Proceedings in other State

(Added by Stats. 1941, Ch. 180.)

10254. All records and information specified in this article, other than the birth certificate, shall be available upon the order of a court of record. Record availability

## Article 6. Legitimated Children

10275. Whenever a child becomes legitimate by the subsequent marriage of its parents an affidavit of that fact may be filed by his parents with the State registrar upon a form provided for that purpose. Affidavit

**Filing** 10276. The affidavit shall be filed with the original record of birth which shall remain as a part of the records of the State department.

(Amended by Stats. 1945, Ch. 1005.)

**Birth certificate** 10277. Upon receipt by the State registrar of such affidavit, a certificate of birth shall be filed bearing the name of the child as shown in the affidavit, the names of his parents, the age of the parents, the sex, date of birth, and place of birth.

**Prior certificate** 10278. This birth certificate shall supplant any birth certificate previously issued for the child and shall be the only birth certificate open to public inspection. In form and contents, it shall be identical with a birth certificate issued to parents for the birth of a legitimate child.

**Copy to State Registrar** 10278.5. When a new birth certificate is issued in place of the original birth certificate as provided for in this article, the State Registrar shall inform the local registrar and the county recorder whose records contain copies or abstracts of the original certificate, and the local registrar and county recorder shall forward such copies or abstracts to the State Registrar for filing with the original certificate, if it is practical for the local registrar or county recorder to do so. If it is impractical for the local registrar or county recorder to forward the copy or abstract to the State Registrar, the local registrar or county recorder shall effectually seal a cover over such record in such a manner as not to deface or destroy such record and forward a verified statement of his action to the State Registrar. Thereafter the information contained in such record shall be only available to any person as provided in Section 10279.

(Added by Stats. 1951, Ch. 116.)

**Record availability** 10279. All records and information specified in this article, other than the birth certificate, shall be available upon the order of a court of record.

## Article 7. Unknown Children

**Report** 10300. The finding of an unknown child less than one year of age shall be immediately reported to the local registrar.

**Contents** 10301. The report shall show the sex and color of the child, the date and place of finding the child, and the name of the person or institution with whom it is placed.

**Place and date of birth** 10302. The city, town or rural district in which the child is found shall be known as the legal place of birth, and the date of birth shall be determined as nearly as possible, shall be given on the certificate, and shall be known as the legal date of birth.

**Name** 10303. The person or institution with whom the child is placed shall give the child a name and shall report the name to the local registrar.

**Certificate of finding** 10304. The certificate of finding shall be forwarded to the State registrar with the regular monthly report of births, and shall be filed and indexed by him with the regular birth certificates.



10305. If the child is later identified and a certificate of birth found or obtained, the fact shall be reported to the State registrar and he shall indorse it upon the certificate of finding, with citation to the certificate of birth. Subsequent identification

### Article 8. Registration of Stillborn Children

10325. A stillborn child shall be registered upon a certificate of stillbirth as prescribed by the State department, and shall be filed with the local registrar, in the same manner as that prescribed for a certificate of death. Certificate

(Amended by Stats. 1941, Ch. 182.)

10326. (Repealed by Stats. 1941, Ch. 182.)

10327. A certificate of stillbirth is not required for a child that has not advanced to the fifth month of uterogestation. Stillbirth

(Amended by Stats. 1941, Ch. 182.)

10328. The medical certificate of the cause of stillbirth shall be signed by the attending physician, if any, and shall state the cause of the stillbirth if known. Medical certificate

(Amended by Stats. 1941, Ch. 182.)

10329. A burial or removal permit of the prescribed form is required. Burial permit

10330. Midwives shall not sign certificates of stillbirth; but such cases, and stillbirths occurring without attendance of either physician or midwife, shall be treated as deaths without medical attendance. Midwife's signature, etc.

(Amended by Stats. 1941, Ch. 182.)

## CHAPTER 4. DEATH REGISTRATION

### Article 1. General Provisions

10350. Every death occurring in this State shall be reported pursuant to this chapter. Report required

### Article 2. Death Certificates

10375. The certificate of death shall be divided into two sections, the first section shall contain those items necessary to establish the fact of death and the second section shall contain those items relating to medical and health data; the first section shall contain the following items and such other items as the state department may designate: Contents

(1) Personal data concerning decedent:

(a) Full name.

(b) Sex.

(c) Color or race.

(d) Marital status.

(e) Name of spouse, if married.

(f) Date of birth and age at death.

(g) Birthplace.

(h) Usual residence.

(i) Occupation and industry or business.

- (2) Date of death, including month, day and year.
- (3) Place of occurrence of death.
- (4) Parentage:
  - (a) Full name of father and birthplace of father.
  - (b) Full maiden name of mother and birthplace of mother.
- (5) Informant.
- (6) Disposition of body information:
  - (a) Signature and license number of embalmer if body embalmed; provided, that by a written special power of attorney, which shall be retained by the attorney for a period of one year, an embalmer may authorize his signature affixed after he has embalmed a body.
  - (b) Name of funeral director, or person acting as such.
  - (c) Date and place of burial, cremation, or removal.
- (7) Certification and signature of attending physician; certification and signature of coroner as to action of the coroner when required to act by law, stating kind of action taken, whether inquest, autopsy or investigation.
- (8) Signature of local registrar and date received by local registrar.

The second section shall contain the following items and such other items as the state department may designate:

- (1) Disease or conditions leading directly to death and antecedent causes.
  - (2) Operations and major findings thereof.
  - (3) Accident and injury information.
- (Amended by Stats. 1939, Ch. 101, by Stats. 1941, Ch. 182, by Stats. 1949, Ch. 268; repealed and added by Stats. 1951, Ch. 116; amended by Stats. 1951, Ch. 1636.)

NOTE: Section 10375 as added by Stats. 1951, Ch. 116, reads as follows:

10375. The certificate of death shall be divided into two sections, the first section shall contain those items necessary to establish the fact of death and the second section shall contain those items relating to medical and health data; the first section shall contain the following items and such other items as the state department may designate:

- (1) Personal data concerning decedent:
  - (a) Full name.
  - (b) Sex.
  - (c) Color or race.
  - (d) Marital status.
  - (e) Name of spouse, if married.
  - (f) Date of birth and age at death.
  - (g) Birthplace.
  - (h) Usual residence.
  - (i) Occupation and industry or business.
- (2) Date of death, including month, day and year.
- (3) Place of occurrence of death.
- (4) Parentage:
  - (a) Full name of father and birthplace of father.
  - (b) Full maiden name of mother and birthplace of mother.
- (5) Informant.
- (6) Disposition of body information:
  - (a) Signature and license number of embalmer if body embalmed; name of funeral director, or person acting as such.
  - (b) Date and place of burial, cremation, or removal.

(7) Certification and signature of attending physician; certification and signature of coroner as to action of the coroner when required to act by law, stating kind of action taken, whether inquest, autopsy or investigation.

(8) Signature of local registrar and date received by local registrar.

The second section shall contain the following items and such other items as the state department may designate:

(1) Disease or conditions leading directly to death and antecedent causes.

(2) Operations and major findings thereof.

(3) Accident and injury information.

10376. (Repealed by Stats. 1939, Ch. 101.)

10377. (Repealed by Stats. 1949, Ch. 268.)

### Article 3. The Medical Certificate

10400. The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased except in the following cases: Who must make

(a) Where the attending physician is unable to state the cause of death.

(b) Where a person has been killed or has committed suicide.

(c) Where death is the result of an accident.

(d) Where an injury is a contributing cause of death.

(e) Where the death occurred under such circumstances as to afford a reasonable ground to suspect that it was caused by the criminal act of another.

10401. The physician shall within 15 hours after the death deposit the certificate at the place of death, or deliver it to the attending funeral director at his place of business or at the office of the physician. Delivery

10402. The physician shall specify in the certificate the time in attendance, the time he last saw the deceased person alive and the hour of the day at which death occurred. Specifi-  
cations

10403. The physician shall state the cause of death, so as to show the course of disease or sequence of causes resulting in the death, giving first the name of the disease causing death (primary cause) and the contributory (secondary) cause, if any, and the duration of each. Cause of  
death

10404. Indefinite and unsatisfactory terms, denoting only symptoms of disease or conditions resulting from disease, are not sufficient for the issuance of a burial or removal permit. Any certificate containing only such terms, as defined by the State registrar, shall be returned to the physician or person making the medical certificate for correction and more definite statement. Indefinite  
terms

10405. Causes of death which may be the result of either disease or violence shall be carefully defined; and if from violence, the means of injury shall be stated, and whether (probably) accidental, suicidal, or homicidal. Death from  
disease or  
violence



## Article 4. Duties of Coroner

Death  
certificate

10425. The certificate of death shall be made by the coroner in case of any death occurring under any of the following circumstances:

- (a) Without medical attendance.
- (b) During the continued absence of the attending physician.
- (c) Where the attending physician is unable to state the cause of death.
- (d) Where the deceased person was killed or committed suicide.
- (e) Where the deceased person died as the result of an accident.
- (f) Under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another.

Notification

10426. The physician, funeral director, or other person in charge of the body shall notify the coroner or other proper official of such death for investigation and certification.

Information

10427. The coroner or other proper officer whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall:

- (a) State in his certificate the name of the disease causing death, or if from external causes (1) the means of death; and (2) whether (probably) accidental, suicidal, or homicidal.

- (b) Furnish such information as may be required by the State registrar in order properly to classify the death.

Upon the issuance of the death certificate and burial permit the cemetery authority may proceed with the interment.

(Amended by Stats. 1941, Ch. 182.)

Same

10428. The certificate shall contain as many facts required by this division as can be ascertained.

Delivery

10429. The coroner shall within three days after examining the body deliver the death certificate to the attending funeral director.

## Article 5. Duties of Funeral Directors

Death  
certificate:  
Filing

10450. The funeral director, or person acting as funeral director, shall file the certificate of death with the local registrar of the district in which the death occurred and obtain an interment or removal permit prior to any disposition of the body.

Particulars

10451. He shall obtain the required personal and statistical particulars from the person best qualified to supply them, and the name and address of his informant.

(Amended by Stats. 1941, Ch. 182.)

10452. The death certificate shall be signed by the attending physician, if any, or by the coroner or other proper official either directly or as directed by the local registrar, giving the medical certificate of the cause of death and other particulars necessary to complete the record. Signature

10453. The funeral director shall state the facts required relative to the date and place of interment or removal. Statement

(Amended by Stats. 1949, Ch. 268.)

10454. The completed certificate shall be presented to the local registrar in order to obtain a permit for interment, removal or other disposition of the body. Presentation

### Article 6. Burial and Removal Permits

10475. If the certificate of death is properly executed and complete, the local registrar shall issue a permit for removal or interment, which in all cases shall specify the name of a cemetery where the remains shall be interred, except that in case the death occurred from a disease declared by the State department to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be issued by the registrar, except under such conditions as may be prescribed by the State department and local boards of health. Issuance

(Amended by Stats. 1941, Ch. 182.)

10476. The funeral director shall deliver the burial permit to the person in charge of the place of interment, before interring or otherwise disposing of the body; or shall attach the removal permit to the box containing the body, when shipped by any transportation company. Delivery or attachment

10477. The burial or removal permit shall accompany the body to its destination, where, if within this State, it shall be delivered to the person in charge of the place of interment. To accompany body

### Article 7. Procedure on Identification of Bodies of Unknown Persons

10500. If the body of an unknown person is identified after filing the death certificate, the coroner having jurisdiction shall file with the State Registrar a death certificate giving the name of the person and all statistical particulars which have been discovered concerning him. Death certificate

10501. The certificate shall be filed with the original record and shall become a part of it. Filing

## CHAPTER 5. MARRIAGE REGISTRATION

10525. Every person who performs a marriage ceremony in this State shall within four days after the ceremony file with the local registrar for marriages (county recorder of the county in which the license was issued) a certificate of registry of the marriage. Certificate of registry

(Amended by Stats. 1945, Ch. 602, by Stats. 1947, Ch. 1148, and by Stats. 1951, Ch. 95.)

Contents	<p>10526. The form of the certificate shall be prescribed by the State Registrar and shall contain among other matters as near as can be ascertained:</p> <ul style="list-style-type: none"> <li>(a) The place and date of marriage.</li> <li>(b) The race, color, age, name and surname, birthplace and residence of the parties married.</li> <li>(c) The number of marriages and condition of each party, whether single, widowed or divorced.</li> <li>(d) The maiden name of the female, if previously married.</li> <li>(e) The names and birthplaces of the parents of each, and the maiden name of the mother of each.</li> <li>(f) The county where issued, date issued, and number of the marriage license.</li> <li>(g) The certification of the person performing the ceremony, which shall show his official position including the denomination if he is a priest or minister.</li> <li>(h) The signature and address of one witness to the marriage ceremony.</li> </ul> <p>(Amended by Stats. 1947, Ch. 1148, and by Stats. 1949, Ch. 729.)</p>
Copy	<p>10527. (Repealed by Stats. 1947, Ch. 1148.)</p> <p>10528. The local registrar for marriages (county recorder) shall make a complete and accurate copy of each certificate of registry of marriage filed with him, and shall preserve it in his office as the local record of marriage in the manner directed by the State Registrar.</p> <p>(Amended by Stats. 1947, Ch. 1148, and by Stats. 1951, Ch. 95.)</p>
Registration	<p>10529. He shall carefully examine each report, and register the same marriage but once, although reported by different persons.</p> <p>(Amended by Stats. 1951, Ch. 95.)</p>
Entry	<p>10530. He shall number and enter the certificates of registry of marriage in the order in which they are reported to him, beginning with number one for the first marriage in each calendar year.</p> <p>(Amended by Stats. 1947, Ch. 1148.)</p>
Attestation	<p>10531. He shall sign his name as registrar in attest of the date of filing each certificate of registry of marriage in his office.</p> <p>(Amended by Stats. 1947, Ch. 1148.)</p>
Delivery to State Registrar	<p>10532. On or before the fifth day of each month he shall transmit to the State Registrar the original certificates of registry of marriage, filed with him during the preceding month. Such transmittal may be made at more frequent intervals by arrangement with the State Registrar.</p> <p>(Amended by Stats. 1947, Ch. 1148, and by Stats. 1951, Ch. 95.)</p>
Indexing	<p>10533. The State Registrar shall file the original certificates of registry of marriage and cause them to be separately and systematically indexed.</p> <p>(Amended by Stats. 1947, Ch. 1148.)</p>



10534. The State Registrar shall carefully examine the certificates of registry of marriage received monthly from the county recorders and if any such are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record satisfactory.

Additional  
information

(Amended by Stats. 1947, Ch. 1148.)

10535. All persons upon whom the duty is imposed of certifying to marriages, and all other persons having knowledge of the facts shall furnish such information as they may possess regarding any marriage upon demand of the State registrar in person, by mail, or through the local registrar.

Duty to  
furnish  
information

10536. Every officer or person upon whom a duty is imposed under this chapter who fails, neglects or refuses to perform any of the duties imposed upon him under this chapter or by the instructions and directions of the State registrar is guilty of a misdemeanor.

Failure to  
perform duty

## CHAPTER 6. CERTIFIED COPIES OF RECORDS

10550. The State or local registrar shall, upon request and payment of the required fee, supply to any applicant a certified copy of the record of any birth, death, or marriage registered with him.

Supplying

10551. Any photostatic copy of the record of a birth, death or marriage, or a copy, properly certified by the State or local registrar, or county recorder to have been registered within a period of one year from the date of the event is prima facie evidence in all courts and places of the facts stated in it.

Prima facie  
evidence

(Amended by Stats. 1941, Ch. 647, by Stats. 1943, Ch. 999, and by Stats. 1947, Ch. 1148.)

10552. A short form of certification of birth registration may be issued by the State Registrar, by the county recorder, or by any local registrar which shall contain only identification information.

Short form  
of birth  
certificate

(Formerly 10202; amended and renumbered by Stats. 1945, Ch. 1005; amended by Stats. 1951, Ch. 116.)

10553. A short form of certification of death registration, including only identification information, and excluding the medical statement of the specific cause of death, may be issued by the State registrar, county recorder, or any local registrar upon forms prepared by the State registrar.

Short form  
of death  
certificate

(Added by Stats. 1945, Ch. 1005.)

10554. Certified copies of birth, death and marriage records may be made only by the State Registrar, by duly appointed and acting local registrars during their term of office, and by county recorders.

Certified  
copies

(Added by Stats. 1951, Ch. 116.)

## CHAPTER 7. CORRECTION OF RECORD

**Affidavit** 10575. Whenever the facts are not correctly stated in any certificate of birth, death, or marriage, already registered, the local registrar shall require an affidavit under oath to be made by the person asserting that the error exists, stating the changes necessary to make the record correct, and supported by the affidavit of one other credible person having knowledge of the facts.

**Filing and amendment** 10576. The local registrar shall file the affidavits and shall note the fact of the amendment with its date on the otherwise unaltered original certificate.

(Amended by Stats. 1951, Ch. 116.)

**Transmittal to State Registrar** 10577. He shall transmit the original certificate with the affidavits attached when making his regular returns to the State Registrar and shall retain copies for his files.

(Amended by Stats. 1951, Ch. 116.)

**Same** 10578. If the correction relates to a certificate previously returned to the State Registrar, the local registrar shall forthwith transmit the affidavits to the State Registrar, in which case, after the affidavit is accepted for filing, the State Registrar shall transmit a copy of the affidavit to the local registrar and county recorder if copies of the original certificate are on file in their offices.

**Transmittal to local registrar**

(Amended by Stats. 1951, Ch. 116.)

10579. (Amended by Stats. 1945, Ch. 1005; repealed by Stats. 1951, Ch. 116.)

## CHAPTER 8. PROCEEDINGS TO ESTABLISH RECORD OF BIRTH, DEATH OR MARRIAGE

(Chapter heading amended by Stats. 1941, Ch. 95)

**Petition** 10600. If any birth, death, or marriage, occurring in this State:

(a) Was not at the time it occurred required by law to be registered; or

(b) Was not registered in conformity with the provisions of law in effect at the time it occurred by the filing of the proper certificate with the local registrar within a period of one year from the date of the event or if such record has been filed but thereafter lost or destroyed, any person beneficially interested in establishing of record the fact of and the time and place of, such birth, death, or marriage may file with the county clerk a verified petition for an order judicially establishing the fact of, and the time and place of the birth, death, or marriage in either of the following courts:

(1) The superior court of the county in which the birth, death or marriage is alleged to have occurred.

(2) The superior court of the county in which the person whose birth or marriage it is sought to establish is residing;

or, if such person has died, the superior court of the county in which such person was domiciled at the date of death.

(Amended by Stats. 1939, Ch. 540, by Stats. 1941, Ch. 95, and by Stats. 1943, Ch. 12.)

10600.5. If a person, domiciled in this State, was born or married outside of the State, or, if any person domiciled in this State at the time of his death, died outside of the State, and the birth, death, or marriage was not registered in the State or country in which it occurred, or a certified copy of the record of the birth, death, or marriage is not obtainable, any person beneficially interested in establishing of record the fact of the birth, death, or marriage, may petition the superior court of the county in which the person, if a living person, resides, or if the person has died, in the county in which he was domiciled at the date of his death, for an order judicially establishing the fact of the birth, death, or marriage.

Petition:  
Out-of-State  
record

(Added by Stats. 1939, Ch. 1120.)

10601. The petition shall be verified and shall contain all the facts necessary to enable the court to determine the fact of and the time and place of the birth, death, or marriage upon the proofs adduced in behalf of the petitioner at the hearing.

Contents

(Amended by Stats. 1941, Ch. 95.)

10601.5. If the time and place of birth are not known, the petition shall contain all of the facts known to the petitioner or otherwise available and a statement of the probable time and place of birth as accurately as the circumstances permit. Such petition shall be verified as to the known facts only.

When time  
and place  
unknown

(Added by Stats. 1945, Ch. 975.)

10602. At least five days before the date of the hearing, a copy of the petition shall be served upon the district attorney of the county in which the petition is filed, together with a notice of the time and place of the hearing and he may appear at the hearing and oppose the making of the order.

(Amended by Stats. 1941, Ch. 95, and by Stats. 1943, Ch. 12.)

10603. Upon the filing of the petition a hearing shall be fixed by the clerk and at the convenience of the court set at a time not less than 5 nor more than 10 days after the filing of the petition. The hearing may be held in chambers. The court, for good cause, may continue the hearing beyond the 10-day period.

Hearing

(Amended by Stats. 1941, Ch. 95, and by Stats. 1943, Ch. 12.)

10604. The fee for filing the petition shall be three dollars (\$3) one dollar (\$1) of which shall go to the law library fund of the county. In counties having more than one superior court judge, the petition may be heard by any judge thereof hearing probate matters, or if a probate department has been designated for hearing probate matters, the clerk shall assign the matter to the probate department for hearing.

Filing fee

Hearing

(Amended by Stats. 1943, Ch. 12.)



**Order**

10605. If, upon the hearing, the allegations of the petition are established to the satisfaction of the court, the court may make an order determining that the birth, death, or marriage did in fact occur at the time and place shown by the proofs adduced at the hearing.

(Amended by Stats. 1939, Ch. 1120.)

**Fixing of  
time and  
place by  
court order**

10605.5. If the time and place of birth are not known, the court shall receive and consider such evidence and testimony as may be available and from the facts adduced may, by order, fix the time and place which the court finds to be a probable time and place of birth of the person in relation to whom the petition has been filed as the time and place of such birth. The time and place so fixed shall thereafter for all purposes be the time and place of birth of such person.

(Added by Stats. 1945, Ch. 975.)

**Form of  
order**

10606. The order shall be made in the form and upon the blank prescribed and furnished by the State registrar and only one birth, death, or marriage shall be included in it.

**Filing of  
order, etc.**

10607. The order shall become effective upon a filing of a certified copy with the State Registrar of Vital Statistics. A copy of the certificate attached to the court order shall be sent by the State Registrar to the local registrar of the district within which the event occurred and to the recorder of the county within which the event occurred except that, in the case of marriage, a copy of the certificate shall be sent to the county recorder only. If the event occurred outside the State, a copy of the certificate attached to the order shall be filed with the registrar of the district or the county recorder of the county, as the case may be, in which the petitioner resides, except that a copy of the certificate of marriage shall be sent to the county recorder only.

(Amended by Stats. 1941, Ch. 95, by Stats. 1943, Ch. 12, and by Stats. 1945, Ch. 663.)

## CHAPTER 8.5. REGISTRATION OF PREVIOUSLY UNREGISTERED BIRTHS

(Chapter 8.5 added by Stats 1943, Ch. 13)

**Application**

10615. Any beneficially interested person born in this State, whose birth (a) was not required by law to be registered at the time it occurred, or (b) was not registered in conformity with law at the time it occurred, or if the record was filed but was thereafter lost or destroyed, may file an application for the original registration of such birth with the State Registrar or local registrar of the district in which the birth occurred. The application and the affidavits mentioned in Section 10616 shall be on forms prescribed and furnished by the State Registrar and shall contain such information as may be necessary to enable the State Registrar to determine whether such birth did in fact occur and shall show the place and the date of such birth.

The provisions of this chapter are not exclusive of the provisions of Chapters 7 and 8 of this division, but offer an alternative method of securing records of birth. Alternative method

Affidavits or documents of aliens ineligible for citizenship shall not be accepted. Documents not accepted

Birth certificates issued pursuant to this chapter shall not be considered as evidence in any action or proceeding involving estates of decedents or in any proceeding to establish heirship unless the affidavit of at least one person who knew the facts was filed at the time of obtaining the certificate. Birth certificates

(Added by Stats. 1943, Ch. 13; amended by Stats. 1945, Ch. 661.)

10616. The application for the birth record shall be accompanied by: Affidavits

(a) An affidavit of the physician, midwife or other person who attended at the birth.

(b) If the affidavit of the persons named in (a) cannot for any reason be secured, the affidavits of both natural parents of the person whose birth it is desired to register, if both are living and available and the person is under the age of 18 years. If one parent is dead or is not available, or if the person is 18 years of age or over, the affidavit of any other person who knows the facts may be accepted in lieu of the affidavit of one parent.

(c) If neither parent is living or available, the affidavit of two other persons, either relatives or nonrelatives, who have actual knowledge of the facts, and who at the time of birth were of sufficient age to have a recollection thereof.

Affidavits filed in accordance with provisions (a), (b) and (c) shall be accompanied by at least one piece of documentary evidence showing place and date of birth as outlined in provision (d) of this section; provided, however, that if a child has not yet reached its seventh birthday, the affidavit by the attendant or one parent is sufficient.

(d) If none of the affidavits mentioned in (a), (b), or (c) can be secured, at least two documents, in which the facts showing the date and place of birth were recorded at least five years before the date of application if the registrant is over 12 years of age and at least two years before the date of application if the registrant is between 7 and 12 years of age, shall be furnished. Original or certified copies of hospital records, baptismal certificates or other church records, school records, census records, insurance policies or statements in applications for insurance policies, Army, Navy, or Marine discharges, naturalization certificates of foreign-born parents showing registrant's name and age, voting registration records, family Bible records, birth certificates of registrant's child, marriage certificates, newspaper notices of birth, if sufficiently complete to establish birth, shall be accepted. If the aforementioned documents are not available, or are incomplete, the registrar may accept other documents which establish the facts.

All affidavits filed pursuant to this section shall contain a statement showing the basis of the affiant's knowledge of the facts sworn to pertaining to the date and place of birth.

Upon the filing of any such application with a local registrar he shall immediately transmit it to the State Registrar, together with the filing fee hereafter in Section 10618 of this code provided.

(Added by Stats. 1943, Ch. 13; amended by Stats. 1947, Ch. 598.)

Delayed  
certificate  
of birth

10617. The State Registrar shall review the application and the affidavits and documentary evidence accompanying it, and if the evidence submitted complies with the provisions of Section 10615 and 10616 hereof, he shall issue and file a delayed certificate of such birth. He shall prepare either duplicate originals or certified copies of the certificate and transmit a copy to the local registrar of the district and the county recorder of the county in which such birth occurred, who shall index it as a record of "Delayed Certificates of Birth," except that if the birth occurred in a city and county he shall transmit a copy of the delayed certificate to the local registrar only. He shall also transmit either a duplicate original or certified copy of the certificate to the applicant without cost.

(Added by Stats. 1943, Ch. 13; amended by Stats. 1943, Ch. 1092, and by Stats. 1945, Ch. 661.)

Filing fee

10618. A fee of four dollars (\$4) shall be paid at the time of filing to the State Registrar or local registrar for each application filed. The State Registrar shall retain three dollars (\$3) from each such fee, and shall transmit one dollar (\$1) to the local registrar together with the copy of the delayed certificate.

(Added by Stats. 1943, Ch. 13.)

Disposition  
of money  
received

10619. The money so received by any local registrar who is also county recorder or clerk or health officer of any city and whose salary is by law his sole compensation for his services, shall be by him paid into the county or city treasury as the case may be.

(Added by Stats. 1943, Ch. 13.)

Penalty

10620. Any person who wilfully makes or files or causes to be made or filed a false certificate or affidavit pursuant to this chapter is guilty of a felony and is also liable to the State of California for a civil penalty in the amount of five hundred dollars (\$500). Such civil penalty may be recovered in an action filed by the Attorney General in any court of competent jurisdiction. Three-quarters of the sum representing a penalty so recovered shall be paid into the State Treasury to the credit of the State General Fund and one-quarter into the treasury of the county or city in which the district is located in which the record of birth is filed or offered for filing.

(Added by Stats. 1943, Ch. 13.)

10621. (Added by Stats. 1943, Ch. 13; repealed by Stats. 1943, Ch. 1092.)

10622. (Added by Stats. 1943, Ch. 13; repealed by Stats. 1943, Ch. 1092.)



## CHAPTER 9. FEES OF STATE AND LOCAL REGISTRARS

10625. The fee for the making and certification of a certified copy of a birth, death, or marriage record shall be paid by the applicant and shall be fixed by the State Director of Public Health, subject to the approval of the State Director of Finance. The fee shall not exceed one dollar and fifty cents (\$1.50) for each certified copy.

For certified copy

(Amended by Stats. 1941, Ch. 95.)

10626. The fee for any search of the files and records when no certified copy is made shall be paid by the applicant and shall be fixed by the State Director of Public Health, subject to the approval of the State Director of Finance. The fee shall not exceed one dollar and fifty cents (\$1.50) for each hour or fractional hour of time of search.

For file and record search

(Amended by Stats. 1941, Ch. 95.)

10627. The State Registrar shall keep a true and correct account of all fees by him received, and the fees shall be deposited with the State Treasurer, for credit to the General Fund.

Disposition: Collections of State Registrar

10628. The money collected by the local registrar shall be paid by him into the county or city treasury, as the case may be.

Collections of local registrar

10629. The local registrar shall, upon request of any parents or guardian, supply, without fee, a certificate limited to a statement as to the date of birth of any child when it is necessary for admission to school, or for the purpose of securing employment.

When fee not payable

10630. The United States Public Health Service or the United States Veterans Administration may obtain, without expense to the State, transcripts of births, deaths and marriages without payment of fees.

Same

(Amended by Stats. 1951, Ch. 116.)

10631. The State Registrar or local registrar may, without fee, verify a date and place of birth, when the applicant can present sufficient information to identify the birth certificate.

Verification of place and date of birth

(Added by Stats. 1947, Ch. 598.)

## CHAPTER 10. COMPENSATION OF LOCAL REGISTRARS

10650. The State registrar shall quarterly certify to the auditors of the several counties the number of births and deaths properly registered, with the names of the local registrars and the amounts due each at the rates fixed by this division.

Certification

10651. No fee shall be paid by the county to, or for the services of, any local registrar who is also clerk or health officer of any city and whose salary as clerk or health officer is by law his sole compensation for his services.

When not payable

10652. All amounts shall be paid by the treasurer of the county in which the registration district is located, upon warrants drawn by the auditor.

Payment

Amount	10653. Each local registrar entitled to compensation shall be paid the sum of twenty-five cents (\$0.25) for each birth certificate and each death certificate properly and completely made out and registered with him, and correctly recorded and promptly returned by him to the State registrar out of which fees he shall pay the subregistrar the sum of fifteen cents (\$0.15) in each case where the certificate is registered with the subregistrar.
Same	10654. If no births or no deaths were registered during any month, the local registrar is entitled to be paid the sum of twenty-five cents (\$0.25) for each report to that effect, but only if the report is made promptly as required by this division.

### CHAPTER 11. PENALTIES

Scope of chapter	10674. This chapter does not apply to violations of Chapter 5 of this division.
Failure to furnish information	10675. Every person who refuses or fails to furnish correctly any information in his possession, or furnishes false information affecting any certificate or record, required by this division is guilty of a misdemeanor.
Falsification of certificate	10676. Every person who wilfully alters, otherwise than as permitted by this division, or falsifies any certificate of birth or death, or any record established by this division is guilty of a misdemeanor.
Failure to fill out certificate	10677. Every person who is required to fill out a certificate of birth or death and file it with the local registrar, or deliver it, upon request, to any person charged with the duty of filing it, and who fails, neglects, or refuses to perform such duty in the manner required by this division is guilty of a misdemeanor.
Neglect of duty	10678. Every local registrar, deputy registrar, or subregistrar, who fails, neglects, or refuses to perform his duty as required by this division and by the instructions and directions of the State registrar thereunder, is guilty of a misdemeanor.
Punishment	10679. The punishment for misdemeanors referred to in this chapter shall be as follows: (a) For the first offense a fine of not less than ten dollars (\$10). (b) For each subsequent offense a fine of not less than fifty dollars (\$50), or imprisonment in the county jail not more than 60 days, or by both.

## DIVISION 10. NARCOTICS

### CHAPTER 1. DEFINITIONS AND GENERAL PROVISIONS

#### Article 1. Definitions

Definitions	11000. As used in this division, the terms "physician," "veterinarian," "dentist," "chiroprapist," "pharmacist,"
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and "osteopathic physician and surgeon," or any similar designation, mean persons who hold valid, unrevoked certificates to practice their respective professions in this State, issued by their respective examining boards in this State. The term "physician" includes physician and surgeon and also osteopathic physician and surgeon.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1941, Ch. 1116.)

11001. "Narcotics," as used in this division, means any "Narcotics" of the following:

- (a) Cocaine.
- (b) Opium.
- (c) Morphine.
- (d) Codeine.
- (e) Heroin.
- (f) Alpha eucaine.
- (g) Beta eucaine.

(h) All parts of the plant *Cannabis sativa* L., (commonly known as marihuana), whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin; except as otherwise provided by law.

(i) Isonipeccaine. "Isonipeccaine" shall mean any substance identified chemically as 1-methyl-4-phenyl-piperidene-4-carboxylic acid ethyl ester, or any salt thereof, by whatever trade name designated.

(j) Amidone. Amidone shall mean any substance identified chemically as 4,4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof by whatever trade name designated.

(k) Any substance decreed to be a narcotic as provided by Section 11002.1.

(l) All parts of the plant of the genii *lophophora* whether growing or otherwise; the buttons thereof, the alkaloids extracted from any such plant: and every compound, salt, derivative, mixture or preparation of such plant.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, by Stats. 1945, Ch. 955, and by Stats. 1949, Ch. 1475.)

11002. "Narcotics," as used in this division, also means any of the salts, derivatives, or compounds of a narcotic or any preparation or compound containing a narcotic or its salts, derivatives, or compounds.

11002.1. The chief by rule may add new narcotics to those enumerated in Sections 11001 and 11002 after notice and hearing, in accordance with the Administrative Procedure Act, Chapter 4 of Part 1 of Division 3 of Title 2 of the Government Code; provided, however, that such rule shall be drafted in form of proposed narcotic law for submission to the next succeeding general session of the Legislature; and provided further, that no such rule shall remain in effect beyond ninety days after the final adjournment of that session of the Legislature.

New  
narcotics

(Added by Stats. 1949, Ch. 1475.)



- "Cannabis sativa"** 11003. "Cannabis sativa," as used in this division, means the male or female of any species commonly known as cannabis sativa, hemp, Indian hemp, or marihuana.  
(Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1943, Ch. 468.)
- "State division"** 11004. "State division," as used in this division, means the Division of Narcotic Enforcement in the State Department of Justice.  
(Amended by Stats. 1945, Ch. 955.)
- "Chief"** 11005. "Chief," as used in this division, means the Chief of the Division of Narcotic Enforcement.
- "Board of Pharmacy"** 11006. "Board of Pharmacy," as used in this division, means the California State Board of Pharmacy.
- "Prescription"** 11007. "Prescription," as used in this division, means a prescription for a narcotic.
- "Sale"** 11008. "Sale," as used in this division, includes barter, exchange, or gift, or offer thereof, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee.
- "Addict"** 11009. "Addict," as used in this division, means a person who unlawfully uses, or is addicted to the unlawful use of, narcotics.  
(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)
- "Opium pipe"** 11010. "Opium pipe," as used in this division, includes a pipe, together with the usual attachments, or other apparatus used or intended to be used in the smoking of opium or heroin.  
(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)
- "Vehicle"** 11011. "Vehicle," as used in this division, means any vehicle or equipment used for the transportation of persons or things.
- "Transport"** 11012. "Transport," as used in this division, with reference to narcotics, includes "conceal," "convey," or "carry."
- "Owner"** 11013. "Owner," as used in this division, with reference to a vehicle, means any person having any right, title, or interest in it.
- "Person"** 11014. "Person" as used in this division, includes any corporation, association, copartnership, company or one or more individuals.  
(Added by Stats. 1945, Ch. 955.)
- "Osteopath"** 11015. "Osteopath," as used in this division, shall be those persons who are licensed in the State of California as osteopathic physicians and surgeons.  
(Added by Stats. 1945, Ch. 955.)
- "Division"** 11016. "Division," as used in this division, unless otherwise specifically designated, means Division 10, Health and Safety Code.  
(Added by Stats. 1945, Ch. 955.)

## Article 2. (Repealed by Stats. 1945, Ch. 955)

11035. (Amended by Stats. First Ex. Sess. 1940; Ch. 9; amended and renumbered 11228 by Stats. 1945, Ch. 955.)
11036. (Repealed by Stats. First Ex. Sess. 1940, Ch. 9.)

## CHAPTER 2. DIVISION OF NARCOTIC ENFORCEMENT

11100. There is in the Department of Justice a Division of Narcotic Enforcement. Division of  
Narcotic  
Enforcement

(Amended by Stats. 1943 (Third Ex. Sess.), Ch. 2.)

11101. There is a Chief of the Division of Narcotic Enforcement, who is appointed and whose salary is fixed by the Attorney General pursuant to the State Civil Service Act. Chief

The provisions of Article XXIV of the Constitution and the term "State civil service" shall apply to and include the chief of the division. Civil service

(Amended by Stats. 1943 (Third Ex. Sess.), Ch. 2.)

11102. The State division shall enforce all laws regulating the cultivation, production, sale, giving away, prescribing, administering, furnishing, or having in possession narcotic or other dangerous drugs other than those drugs enumerated in schedules "A" and "B" of Chapter 102, Statutes of 1907. Enforcement  
of laws

(Amended by Stats. 1941, Ch. 394.)

11103. The Attorney General may, in conformity with the State Civil Service Act, employ such inspectors, chemists, clerical, and other employees as are necessary for the conduct of the affairs of the Division of Narcotic Enforcement. Two of the inspectors shall be registered licentiates in pharmacy. Employees

(Amended by Stats. 1951, Ch. 1282.)

11104. The state division may employ a physician to interview and examine any patient for whom any narcotic has been prescribed or to whom any narcotic has been furnished or administered, or who is an habitual user of narcotics, or who has a previous narcotic addiction record. Physician

The patient shall submit to the interview and examination and shall not in any manner hinder or impede it.

The physician employed by the state division to conduct the interview and examination shall report the results of the examination and interview to the state division. Report

The physician so employed may testify in any action brought under this division or in any hearing before the State Board of Medical Examiners or the State Board of Osteopathic Examiners and his testimony is not privileged. Testimony

Every person who violates any provision of this section is guilty of a misdemeanor. Penalty

(Amended by Stats. 1949, Ch. 1475.)

11105. The chief and the inspectors appointed by him have the powers and duties of peace officers in the performance of their duties. Peace officer  
powers

11106. The chief and the inspectors appointed by him, when authorized so to do by the chief, may expend such sums as the chief deems necessary in the purchase of drugs for evidence and in the employment of operators to obtain evidence. Expenditures  
for evidence

The sums so expended shall be repaid to the officer making the expenditures upon claims audited by the chief and approved by the Department of Finance. The claims when approved shall be paid out of the funds appropriated or made available by law for the support or use of the State division. Repayment

Record  
Inspection

11107. This division does not prohibit the inspectors of the Board of Pharmacy from inspecting records in connection with the regulation of the sale, giving away, prescribing, or administering, of narcotics or other drugs.

### CHAPTER 3. PRESCRIPTIONS

#### Article 1. Requirements of Prescriptions

11160. (Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1941, Ch. 1116; amended and renumbered 11500 by Stats. 1945, Ch. 955.)

Same

11161. No person other than a physician, dentist, chiroprast or veterinarian shall write a prescription.

(Amended by Stats. 1941, Ch. 1116.)

Conformance

11162. No person shall write, issue, fill, compound, or dispense a prescription that does not conform to this division.

(Amended by Stats. 1945, Ch. 955.)

Responsi-  
bility

11162.5. A prescription, in order to be effective in legalizing the possession of unstamped narcotic drugs and eliminating the necessity for use of order forms, must be issued for legitimate medical purposes. The responsibility for the proper prescribing and dispensing of narcotic drugs is upon the practitioner, but a corresponding liability rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued to an addict or habitual user of narcotics, not in the course of professional treatment but for the purpose of providing the user with narcotics sufficient to keep him comfortable by maintaining his customary use, is not a prescription within the meaning and intent of this division; and the person filling such an order, as well as the person issuing it, may be charged with violation of the law.

(Added by Stats. 1945, Ch. 955.)

Person for  
whom  
prescribed

11163. Except in the regular practice of his profession, no person shall prescribe, administer, or furnish, a narcotic to or for any person who is not under his treatment for a pathology or condition other than narcotic addiction, except as provided in this division.

Surrender  
of narcotic  
privileges

11163.5. Any physician, who by court order or order of any state or governmental agency, or who voluntarily surrenders his narcotic privileges, shall not possess, administer, or prescribe a narcotic unless and until such privileges have been restored and he has obtained current registration from the United States Collector of Internal Revenue as provided by law.

(Added by Stats. 1949, Ch. 1475.)

Addict

11164. No person shall prescribe for or administer, or dispense a narcotic to an addict, or to any person representing himself as such, except as permitted by this division.

(Amended by Stats. 1945, Ch. 955.)

Falsity

11165. No person shall issue a prescription that is false or fictitious in any respect.



11166. No person shall write a prescription unless it is wholly written in ink or indelible pencil in the handwriting of the prescriber, signed and dated by him as of the date on which it is written, contains the name and address for whom prescribed and states the name and the quantity of the narcotic prescribed.

Execution  
and contents

(Amended by Stats. 1939, Ch. 1097; by Stats. 1945, Ch. 955; and by Stats. 1949, Ch. 1475.)

11166.02. No person shall fill, compound, or dispense a prescription for a narcotic unless it is wholly written in ink or indelible pencil in the handwriting of the prescriber, signed and dated by the prescriber, and containing the name and address of the person for whom prescribed, and stating the name and quantity of the narcotic prescribed.

Filling of  
prescription

(Added by Stats. 1949, Ch. 1475.)

11166.05. Prescription blanks shall be issued by the state division in serially numbered groups of 100 forms each in triplicate, and shall be furnished free of cost to any person authorized to write a prescription, and such prescription blanks shall not be transferable. Any person possessing any such prescription blank otherwise than as herein provided is guilty of a misdemeanor.

Prescription  
blanks

(Added by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9; by Stats. 1945, Ch. 955; and by Stats. 1949, Ch. 1475.)

11166.06. The prescription blanks shall be printed on distinctive paper, serial number of the group being shown on each form, and also each form being serially numbered.

TriPLICATE  
books

(Added by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11166.07. Not more than one such prescription group shall in any case be issued or furnished by the State division to the same prescriber at one time.

Limitation  
on number

(Added by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1945, Ch. 955.)

11166.08. No person shall issue a prescription other than on the official prescription form issued by the State division, and no person shall fill any prescription other than on the official prescription form issued by the State division, except that in the case of an epidemic or a sudden or unforeseen accident or calamity a prescriber may issue a prescription upon a form other than the official prescription form issued by the State division, where failure to issue such prescription might result in loss of life or intense suffering, but such a prescription shall have indorsed thereon by the prescriber a statement concerning the accident, calamity, or circumstances constituting the emergency because of which the unofficial blank is used.

Official  
blanks

(Added by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9.)

Prescriptions  
in triplicate

11166.09. All prescriptions on the official blanks shall be written in triplicate, all three copies signed by the prescriber.  
(Added by Stats. 1939, Ch. 1097.)

Preservation  
of copies

11166.10. The prescription book containing the prescriber's copies of prescriptions issued shall be retained by the prescriber which shall be preserved for two years and shall at all times be open to inspection by inspectors of the State division, special agents of the Board of Medical Examiners, inspectors of the Board of Osteopathic Examiners, and inspectors of the Board of Pharmacy.

(Added as 11166.1 by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9; amended and renumbered by Stats. 1945, Ch. 955.)

Use of  
original and  
duplicate

11166.11. The original and one copy of the prescription shall be delivered to the person filling the prescription. The duplicate shall be properly endorsed by the pharmacist filling the prescription at the time such prescription is filled. The original shall be retained by the person filling the prescription, and at the end of each month in which the prescription is filled, the duplicate shall be returned to the state division.

(Added by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9; by Stats. 1945, Ch. 955; and by Stats. 1949, Ch. 1475.)

Exceptions

11166.12. The provisions of this code with reference to the writing of narcotic prescriptions on official triplicate blanks and the filling thereof do not apply to any of the following:

(a) Codeine, dihydrohydroxycodeinone, or dihydrocodeinone combined with other non-narcotic medicinal ingredients.

(b) Codeine in combination with any of the narcotic drugs mentioned in this section, with the exception of dihydrocodeinone or dihydrohydroxycodeinone.

(c) Preparations containing not more than two grains of opium to the fluid or avoirdupois ounce combined with other non-narcotic medicinal ingredients except codeine.

(d) Apomorphine hydrochloride.

(e) Ethylmorphine hydrochloride.

(f) Papaverine hydrochloride.

Any of the combinations mentioned in the above subsections must be in the handwriting of the prescriber on the prescriber's regular prescription blanks.

(Added by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9, by Stats. 1941, Ch. 744, by Stats. 1945, Ch. 955, by Stats. 1949, Ch. 1475, and by Stats. 1951, Ch. 1149.)

When  
triplicate  
blanks  
required

11166.13. When codeine, or dihydrocodeinone or tincture opii camphorata (paregoric) is not combined with other medicinal ingredients, it shall be prescribed on the official triplicate blanks.

(Added by Stats. 1949, Ch. 1475.)

Medicinal  
compounds

11166.14. Medicinal compounds as referred to in Sections 11166.12 and 11166.13 are compounds containing nonnarcotic drugs.

(Added by Stats. 1949, Ch. 1475.)

11167. No person shall prescribe, administer, or furnish a narcotic for himself.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11168. No person shall prescribe, administer, or furnish a narcotic except under the conditions and in the manner provided by this division. Conditions

11169. No person shall antedate or postdate a prescription. Dating

11170. (1) No person shall obtain or attempt to obtain narcotics, or procure or attempt to procure the administration of or prescription for narcotics, (a) by fraud, deceit, misrepresentation, or subterfuge; or (b) by the concealment of a material fact. Fraud, deceit, etc.

(2) No person shall make a false statement in any prescription, order, report, or record, required by this division.

(3) No person shall, for the purpose of obtaining narcotics, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian, or other authorized person.

(4) No person shall affix any false or forged label to a package or receptacle containing narcotics.

(Amended by Stats. 1945, Ch. 955, and by Stats. 1949, Ch. 1475.)

11170.5. No person shall, in connection with the prescribing, furnishing, administering, or dispensing of a narcotic, give a false name or false address. False name or address

(Added by Stats. 1949, Ch. 1475.)

11171. No person shall obtain or possess a prescription that does not comply with this division. Illegal possession

11172. No person shall furnish a narcotic pursuant to a telephone order, except that in an emergency a pharmacist may deliver a narcotic through his employee or responsible agent pursuant to the telephone order of a person authorized to prescribe a narcotic, if the employee or agent is supplied with a prescription before delivery. Filling: Telephone order

The employee or agent shall immediately deliver the prescription to the pharmacist. The pharmacist shall file the prescription within a reasonable time.

11173. No person shall fill a prescription if it shows evidence of alteration, erasure, or addition by any person other than the person writing it. Altered prescription

11174. No person shall fill a prescription unless it is tendered to him on or before the seventh day following the date of issue. Tender

11175. A person who fills a prescription shall keep it on file for at least three years from the date of filing it. Retention

11176. No person shall obtain or possess a narcotic obtained by a prescription that does not comply with this division. Prohibited narcotic possession



## Inspection

11177. A narcotic prescription on file shall at all times be open to inspection by the prescriber, and properly authorized officers of the law, including all inspectors of the State division and of the Board of Pharmacy.

11178. (Added by Stats. 1939, Ch. 1097; repealed by Stats. First Ex. Sess. 1940, Ch. 9.)

## Article 2. Exempt Narcotics

## Exemptions

11200. The provisions of this division requiring prescriptions and physicians' reports do not apply to preparations containing not more than one grain of codeine in one fluid ounce without additional narcotics, or to *mistura glycyrrhiza* compound, N.F. However, the exemptions herein provided do not exempt any person from the provisions of Section 11225 of this division.

(Amended by Stats. 1939, Ch. 1097, by Stats. First Ex. Sess. 1940, Ch. 9, by Stats. 1941, Ch. 744, by Stats. 1945, Ch. 955, and by Stats. 1949, Ch. 1475.)

## Paregoric

11201. This article does not except tincture *opii camphorata* (commonly known as paregoric) from the provisions of this division and it may be sold only upon the prescription of a physician, and the prescription shall not be again refilled or dispensed.

## Article 3. Prescriber's Record

## Contents

11225. Every person who issues a prescription, or administers or dispenses a narcotic shall make a record that, as to the transaction, shows all of the following:

(a) The name and address of the patient.

(b) The date.

(c) The character and quantity of narcotics involved.

(d) The pathology and purpose for which the prescription is issued, or the narcotic administered, prescribed, or dispensed.

## Inspection

11226. The record shall be preserved for two years and shall at all times be open to inspection by inspectors of the State division and inspectors of the Board of Pharmacy.

## Penalty

Every person who violates any provision of this section is guilty of a misdemeanor.

## Prima facie evidence

11227. In a prosecution under this division proof that a defendant received or has had in his possession at any time a greater amount of narcotics than is accounted for by any record required by law or that the amount of narcotics possessed by a defendant is a lesser amount than is accounted for by any record required by law is prima facie evidence of guilt.

(Amended by Stats. 1945, Ch. 955.)

## Inspection of records

11228. Any record required by this division shall be open at all times to inspection by properly authorized officers of the law, including inspectors of the State division and the Board of Pharmacy. It is unlawful to refuse to permit, or to obstruct such inspection.

(Formerly 11035; amended and renumbered by Stats. 1945, Ch. 955.)

### Article 4. Copies of Prescriptions

11250. Whenever the pharmacist's copy of a narcotic prescription is removed by a peace officer, inspector of the State division, or inspector of the Board of Pharmacy, for the purpose of investigation or as evidence, the officer or inspector shall give to the pharmacist a receipt in lieu thereof. Copies

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

### Article 5. Refilling Prescriptions

11275. No person shall refill a narcotic prescription. However, where a prescription was originally issued for a narcotic preparation for which a prescription was not by law required, a prescription can be refilled unless the prescriber otherwise directs. Refilling

(Amended by Stats. 1939, Ch. 1097.)

## CHAPTER 4. USE OF NARCOTICS

### Article 1. Lawful Medical Use Other Than Treatment of Addicts

11330. A physician may prescribe for, furnish to, or administer narcotics to his patient when the patient is suffering from a disease, ailment, injury, or infirmities attendant upon old age, other than narcotic addiction. Prescriptions for certain patients

The physician shall prescribe, furnish, or administer narcotics only when in good faith he believes the disease, ailment, injury, or infirmity, requires such treatment.

The physician shall prescribe, furnish, or administer narcotics only in such quantity and for such length of time as are reasonably necessary.

11331. (Repealed by Stats. 1945, Ch. 955.)

11331.5. In order to provide a supply of narcotics as may be necessary to handle emergency cases, any hospital which does not employ a resident pharmacist and which is under the supervision of a licensed physician, may purchase narcotics on Federal order forms for said institution, under the name of said hospital, said supply to be made available to a registered nurse for administration to patients in emergency cases, upon direction of a licensed physician. Emergency cases

A report showing the kind and amount of narcotics purchased on the Federal order form shall be forwarded, by registered mail, to the Division of Narcotic Enforcement, at the time such narcotics are purchased and a record shall be kept of such rush, emergency administration of narcotics, including the amount given, the type, the date given, and the name and address of the person to whom administered.

(Added by Stats. 1941, Ch. 394; amended by Stats. 1949, Ch. 1475.)

11332. (Repealed by Stats. First Ex. Sess. 1940, Ch. 9.)

## Article 2. Treatment of Addicts for Addiction

Narcotic administration	11390. Any narcotic employed in treating an addict for addiction shall be administered by a physician, or by a registered nurse acting under his instruction.
Same	11390.5. No physician or other person shall order, permit or direct any person other than a registered nurse, or other physician, to administer a narcotic to a person being treated for narcotic addiction. (Added by Stats. 1949, Ch. 1475.)
Place of treatment	11391. No person shall treat an addict for addiction except in one of the following: (a) An institution approved by the Board of Medical Examiners, and where the patient is at all times kept under restraint and control. (b) A city or county jail. (c) A state prison. (d) A state narcotic hospital. (e) A state hospital. (f) A county hospital. This section does not apply during emergency treatment or where the patient's addiction is complicated by the presence of incurable disease, serious accident, or injury, or the infirmities of old age. (Amended by Stats. First Ex. Sess. 1940, Ch. 9, by Stats. 1945, Ch. 955, and by Stats. 1949, Ch. 1475.)
Maximum	11392. A physician treating an addict for addiction shall not prescribe for or furnish the addict more than any one of the following amounts of narcotics during each of the first 15 days of such treatment: (a) Eight grains of opium. (b) Four grains of morphine. (c) Six grains of Pantopon. (d) One grain of Dilaudid. (e) Four hundred milligrams of Isonipeccaine (Demerol). (f) One hundred eighty milligrams of Amidone. (Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1949, Ch. 1475.)
Same	11393. After 15 days of treatment the physician shall not prescribe for or furnish to the addict more than any one of the following amounts of narcotics during each day of such treatment. (a) Four grains of opium. (b) Two grains of morphine. (c) Three grains of Pantopon. (d) One-half grain of Dilaudid. (e) Two hundred milligrams of Isonipeccaine (Demerol). (f) Ninety milligrams of Amidone. (Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1949, Ch. 1475.)
Discontinuance of treatment	11394. At the end of 30 days from the first treatment, the prescribing or furnishing of narcotics shall be discontinued.



11395. The physician treating an addict for addiction shall within five days after the first treatment report by registered mail, over his signature, to the State division, stating the name and address of the patient, and the name and quantities of narcotics, if any, prescribed. Physician's report

The report shall state the progress of the patient under the treatment.

The physician shall in the same manner further report on the fifteenth day of the treatment and on the thirtieth day of the treatment, and thereafter shall make such further reports as are requested in writing by the State division.

(Amended by Stats. 1945, Ch. 955.)

11396. (Repealed by Stats. First Ex. Sess. 1940, Ch. 9.)

### Article 3. Physicians' Reports

11425. A physician prescribing or furnishing a narcotic to an habitual user shall within five days after first prescribing or furnishing the narcotic personally report in writing by registered mail, over his signature, to the State division.

The report shall contain all of the following:

- (a) Name of the patient.
- (b) Address of the patient.
- (c) Character of the injury or ailment.
- (d) Quantity and kind of narcotic used.
- (e) A statement as to whether or not the patient is an addict.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11426. The physician shall upon request in writing from the State division furnish any additional reports upon the treatment of the user as the State division may request in writing. Additional report

### Article 4. Veterinarians

11450. No veterinarian shall prescribe, administer, or furnish a narcotic for himself or any other human being. Prohibition

11451. A prescription written by a veterinarian shall state the kind of animal for which ordered and the name and address of the owner or person having custody of the animal. Prescription statements

(Amended by Stats. 1945, Ch. 955.)

### Article 5. (Repealed by Stats. 1947, Ch. 931.)

11475. (Repealed by Stats. 1947, Ch. 931.)

11476. (Amended by Stats. 1941, Ch. 1116; repealed by Stats. 1947, Ch. 931.)

11477. (Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1941, Ch. 1116; repealed by Stats. 1947, Ch. 931.)

11478. (Repealed by Stats. 1947, Ch. 931.)

11479. (Amended by Stats. 1941, Ch. 1116, and by Stats. 1945, Ch. 955; repealed by Stats. 1947, Ch. 931.)

## CHAPTER 5. ILLEGAL NARCOTICS

(Chapter heading amended by Stats. 1945, Ch. 955)

Article 1. Illegal Sale, Possession, Administration  
and Transportation

(Article heading added by Stats. 1945, Ch. 955)

Written  
prescription

11500. Except as otherwise provided in this division, no person shall possess, transport, sell, furnish, administer or give away, or offer to transport, sell, furnish, administer, or give away, or attempt to transport a narcotic except upon the written prescription of a physician, dentist, chiropodist, or veterinarian licensed to practice in this State.

(Formerly 11160. Amended and renumbered by Stats. 1945, Ch. 955.)

## Article 2. Marihuana

(Formerly Article 1. Renumbered by Stats. 1945, Ch. 955)

Marihuana

11530. No person shall plant, cultivate, cut, harvest, dry, or process any cannabis sativa or any part thereof or any of the genii of the lophophora or any of the parts thereof.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, by Stats. 1945, Ch. 955, and by Stats. 1949, Ch. 1475.)

11531. (Amended by Stats. First Ex. Sess. 1940, Ch. 9; repealed by Stats. 1945, Ch. 955.)

Article 1a. (Added by Stats. 1941, Ch. 394; repealed by Stats. 1945, Ch. 955)

11540. (Added by Stats. 1941, Ch. 394; repealed by Stats. 1945, Ch. 955.)

11541. (Added by Stats. 1941, Ch. 394; repealed by Stats. 1945, Ch. 955.)

## Article 3. Narcotic Pipes and Resorts

(Formerly Article 2. Renumbered by Stats. 1945, Ch. 955)

Opium  
pipe, etc.

11555. It is unlawful to possess an opium pipe or any device, contrivance or instrument used for smoking a narcotic.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1949, Ch. 1475.)

Visit

11556. It is unlawful to visit or to be in any room or place where any narcotics are being or have recently been smoked.

(Added by Stats. First Ex. Sess. 1940, Ch. 9; amended by Stats. 1945, Ch. 955, and by Stats. 1949, Ch. 1475.)

Places

11557. It is unlawful to open or maintain to be resorted to by other persons any place in which narcotics are unlawfully sold, given away, or smoked.

(Added by Stats. First Ex. Sess. 1940, Ch. 9.)

## CHAPTER 6. SALE WITHOUT PRESCRIPTION

11570. No prescription is required in case of the sale of narcotics at retail in pharmacies by pharmacists to any of the following: Sale by  
pharmacies

- (a) Physicians.
- (b) Dentists.
- (c) Chiropodists.
- (d) Veterinarians.

In any sale mentioned in this article, there shall be executed any written order that may otherwise be required by law or by the provisions of Section 2 of an act of Congress, approved Dec. 17, 1914, as heretofore amended, relating to the production, importation, manufacture, compounding, sale, dispensing, or giving away of opium, isonipecaine, or coca leaves and salts, derivatives, or preparations.

(Amended by Stats. 1939, Ch. 1097, by Stats. 1941, Ch. 1116, and by Stats. 1945, Ch. 955.)

11571. No prescription is required in case of sales at wholesale by jobbers, wholesalers and manufacturers to any of the following: By jobber

(a) Pharmacists as defined in the Business and Professions Code.

- (b) Physicians.
- (c) Dentists.
- (d) Chiropodists.
- (e) Veterinarians.
- (f) Other jobbers, wholesalers or manufacturers.

(Amended by Stats. 1941, Ch. 1116.)

11572. All wholesale jobbers, wholesalers, and manufacturers, mentioned in this division shall keep, in a manner readily accessible, the written orders or blank forms required to be preserved under the provisions of Section 2 of the act of Congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing, or giving away of opium, isonipecaine, or coca leaves and salts, derivatives, or preparations. Written or-  
ders or forms

(Amended by Stats. 1945, Ch. 955.)

11573. The written orders or blank forms shall always be open for inspection by any peace officer or any inspector or member of the Board of Pharmacy or the chief or any inspector of the State division. Inspection

The written orders or blank forms shall be preserved for at least three years after the date of the last entry made. Preservation

11574. A true and correct copy of all orders, contracts, or agreements taken for narcotics shall be forwarded by registered mail to the State division within 24 hours after the taking of the order, contract, or agreement, unless the order, contract, or agreement is recorded as required under the provisions of Section 2 of an act of Congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, Forwarding  
copies of  
orders, etc.



sale, dispensing, or giving away of opium, isonipecaine, or coca leaves, their salts, derivatives, or preparations, by a wholesale jobber, wholesaler, or manufacturer, permanently located in this State, as provided for in that section.

(Amended by Stats. 1945, Ch. 955.)

Order, etc.,  
for future  
delivery

11575. The taking of any order, or making of any contract or agreement, by any traveling representative or employee of any person for future delivery in this State, of any narcotic constitutes a sale within the meaning of this division.

Forwarding  
copy of  
order, etc.

11576. Within 24 hours after any purchaser in this State gives any order to, or makes any contract or agreement for purchases from or sales by, an out-of-State wholesaler or manufacturer of any narcotics for delivery in this State, the purchaser shall forward to the State division by registered mail a true and correct copy of the order, contract, or agreement.

## CHAPTER 7. ENFORCEMENT

### Article 1. Forfeiture of Vehicles

Forfeiture

11610. A vehicle used to unlawfully transport any narcotic, or in which any narcotic is unlawfully kept, deposited or concealed, or in which any narcotic is unlawfully possessed by an occupant thereof, shall be forfeited to the State.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

Seizure

11611. Any peace officer of this State, upon making or attempting to make an arrest for a violation of this division, shall seize any vehicle used to unlawfully transport any narcotic, or in which any narcotic is unlawfully kept, deposited or concealed, or in which any narcotic is unlawfully possessed by an occupant thereof, and shall immediately deliver such vehicle to the Division of Narcotic Enforcement of the Department of Justice to be held as evidence until a forfeiture has been declared or a release ordered.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1949, Ch. 1475.)

Notice:  
Filing

11612. Notice of seizure and intended forfeiture proceeding shall be filed with the county clerk and shall be served on all owners.

Service

11613. Notice shall be given to each owner according to one of the following methods:

(a) Upon each owner whose right, title, or interest is of record in the Department of Motor Vehicles, by mailing a copy of the notice by registered mail to the address as given upon the records of the Department of Motor Vehicles.

(b) Upon each owner whose name and address is known, to the last known address of the owner.

(c) Upon all other owners, whose addresses are unknown, but who are believed to have an interest in the vehicle, by one publication in a newspaper of general circulation in the county where the seizure was made.

11614. Within 20 days after the mailing or publication of the notice, the owner of the vehicle may file a verified answer to the fact of the use of the vehicle alleged in the notice of seizure and of the intended forfeiture proceeding. Answer

11615. No extensions of time shall be granted for the purpose of filing the answer. Extension of time

11616. If at the end of 20 days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of the unlawful use and shall, upon motion, order the vehicle forfeited to the State. Hearing:  
When no  
answer filed

11617. If a verified answer is filed, the forfeiture proceeding shall be set for hearing on a day not less than 30 days therefrom, and the proceeding has priority over other civil cases. When answer filed

11618. Notice of the hearing shall be given in the same manner as provided for service of notice of seizure. Notice

11619. At the hearing, any owner who has a verified answer on file may show by competent evidence that the vehicle was not used to transport narcotics, or that narcotics were not unlawfully possessed by an occupant of the vehicle. Evidence

11620. The claimant of any right, title, or interest in the vehicle may prove his lien, mortgage, or conditional sales contract to be bona fide and that his right, title, or interest was created after a reasonable investigation of the moral responsibility, character, and reputation of the purchaser, and without any knowledge that the vehicle was being, or was to be, used for the purpose charged. Proof of investigation, etc.

11621. No person claiming a lien pursuant to Chapter 1 of Division 8 of the Vehicle Code shall be required to prove that his right, title, or interest was created after any investigation of the moral responsibility, character, and reputation of the owner, purchaser, or person in possession of the vehicle when it was brought to the claimant. When proof not required

11622. In the event of such proof, the court shall order the vehicle released to the bona fide or innocent owner, lien holder, mortgagee, or vendor if the amount due him is equal to, or in excess of, the value of the vehicle as of the date of seizure, it being the intention of this section to forfeit only the right, title, or interest of the purchaser. Release

11623. If the amount due to such person is less than the value of the vehicle, the vehicle shall be sold at public auction by the Department of Finance. Auction sale

11624. The Department of Finance shall publish a notice of the sale by one publication in a newspaper published and circulated in the city, community, or locality where the sale is to take place. Notice

11625. In all cases where a vehicle seized by the State division is forfeited to the State and turned over to and sold by the Department of Finance, the proceeds of the sale shall be distributed as follows, in the order indicated: Proceeds

(a) To the bona fide or innocent purchaser, conditional sales vendor, or mortgagee of the vehicle, if any, up to the amount of his interest in the vehicle, when the court declaring the forfeiture orders a distribution to such person.

(b) The balance, if any, to accumulate, and, from time to time, as the proceeds become sufficient, to be distributed:

1. To the Department of Finance for all expenditures made or incurred by it in connection with the sale, including expenditure for any necessary repairs, storage or transportation, of any vehicle seized under this article.

2. To the Attorney General for all expenditures made or incurred by him in connection with the forfeiture proceedings of any vehicle seized under this article, including but not limited to, expenditures for witness fees, reporters' fees, transcripts, printing, traveling and investigation.

3. To the State division for all expenditures for traveling, investigation, storage, and other expenses made or incurred by the division after the seizure, and in connection with the forfeiture of any vehicle seized under this article.

4. The remainder, if any, to the State Treasury, for credit to the General Fund.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

Purchase  
by State

11626. In any case the Department of Finance may, within 30 days after judgment, pay the balance due to the bona fide or innocent purchaser, lien holder, mortgagee, or vendor and purchase the vehicle for the State.

Release of  
vehicle

11627. If the court finds that the vehicle was not used to transport narcotics, the court shall order the vehicle released to the owner as his right, title, or interest appears of record in the Department of Motor Vehicles as of the date of the seizure.

Disposition  
of forfeited  
vehicle

11628. When a vehicle has been ordered forfeited to the State, it shall be turned over to the Department of Finance, which shall deliver to the State division such forfeited vehicles as may be needed by the division to enforce the provisions of this division.

Exemptions

11629. The provisions of this division relative to forfeiture of vehicles do not apply to a common carrier, or to an employee acting within the scope of his employment in the enforcement of this division.

## Article 2. Seizure and Disposition of Narcotics

Seizure

11650. Narcotics possessed in violation of this division, and all opium pipes, may be seized by any peace officer, and in aid of such seizure a search warrant or search warrants may be issued in the manner and form prescribed in the Penal Code.

Opium pipes:  
Order for  
destruction

11651. All opium pipes seized under the provisions of this division shall, upon conviction of the owner or defendant, be ordered destroyed by the judge of the court in which conviction is had.



11652. The order of destruction shall contain the name of the party charged with the duty of destruction, but the judge shall turn all such evidence over to the State division for destruction. Contents of order

11653. All narcotics that have been seized under this division shall, by order of the court upon the conviction of the owner or defendant, be turned over immediately to the State division for destruction or disposition. Delivery to State division

11654. Narcotics and opium pipes seized under this division, now in the possession of any city or county official, or of the State Board of Pharmacy, or that may hereafter come into their possession, in which no trial was had, shall be delivered to the State division for destruction or disposition. Same

No narcotics or opium pipes coming into the possession of the State division as described in this section shall be destroyed within six months from seizure.

11655. The State division may dispose of narcotics, other than heroin or smoking opium, by gift to the medical superintendents of State prisons or State hospitals, for medical purposes. Gift

11656. When narcotics or opium pipes have been seized pursuant to this division and the defendant or owner has escaped from custody and is a fugitive from justice, they shall upon demand of the State division, be turned over to it for safekeeping until such time as the owner or defendant is apprehended and prosecuted for violation of this division. Safekeeping when owner fugitive

11657. When narcotics or opium pipes have been seized pursuant to this division and the case has been disposed of by way of dismissal or otherwise than by way of conviction, they shall by order of the court, be turned over immediately to the State division, unless the court finds that the narcotics were lawfully possessed by the defendant. Disposal when case dismissed

### Article 3. Prosecutions and Disposition of Fines

11680. The district attorney of the county in which any violation of this division is committed shall conduct all actions and prosecutions for the violation. Prosecution: District attorney

However, subject to the approval of the Attorney General, the chief may employ special counsel for that purpose, who may take complete charge of the conduct of such actions or prosecutions. The chief may fix the compensation to be paid for the service and may incur such other expense in connection with the conduct of the actions or prosecutions as he may deem necessary. No attorney employed as special counsel shall receive as compensation more than three thousand five hundred dollars (\$3,500) in any one year. Special counsel

11681. All money, forfeited bail, or fines received under this division shall be sent without delay by the judge or magistrate receiving them, 75 per cent to the State Treasurer to be deposited in the State Treasury, and 25 per cent to the city treasurer of the city, if the offense occurred in a city, Fines: Disposition

otherwise to the treasurer of the county in which the prosecution is conducted.

**Records** 11682. Judges and magistrates who collect fines or forfeitures under this division shall keep a record thereof, and, upon the imposition of any such fine or forfeiture, shall immediately transmit a record of it to the State Controller.

**Same** 11683. When an imprisonment has been imposed for a violation of this division, and before the termination of the sentence, the defendant is released by the vacation of the sentence of imprisonment and the imposition of a fine or forfeiture instead, the fine or forfeiture shall be recorded and accounted for in the same manner as though it had been imposed in the first instance.

**Same** 11684. Whenever a fine has been imposed for violation of this division, and before the full payment of the fine a sentence of imprisonment is imposed instead, the imprisonment shall be recorded and accounted for to the State Controller.

**Annual report** 11685. Each judge or magistrate shall transmit to the State Treasurer an annual report of the fines and forfeitures collected by him during the calendar year. This report shall be rendered before the fifteenth day of January of the following year on blanks furnished by the State Controller.

**Suit for enforcement** 11686. The State Controller shall check the reports and records of each judge and magistrate with the transmittals of fines and forfeitures and whenever it appears that fines or forfeitures have not been transmitted the State Controller shall bring suit to enforce their collection or transmittal, or both.

**Bond liability** 11687. The official bond of any judge or magistrate is liable for his failure to transmit the fines or forfeitures imposed by him under this division.

**Public inspection** 11688. The records kept by a judge or magistrate under this division are open to public inspection, and may be checked by the State Controller, the Attorney General, the district attorney of the particular county, or the State division.

#### Article 4. Penalties

11710. (Repealed by Stats. First Ex. Sess. 1940, Ch. 9.)

11711. (Repealed by Stats. First Ex. Sess. 1940, Ch. 9.)

**Previous convictions** 11712. Any person convicted under this division for having in possession any narcotic, or of violating the provisions of Sections 11530 or 11557 shall be punished by imprisonment in the county jail for not less than 90 days nor more than one year, or in the State prison for not more than six years.

If such a person has been previously convicted of a felony under the laws of the United States or of this or any other State, and if the previous conviction of a felony is charged in the indictment or information and is found to be true by the jury, upon a jury trial, or is found to be true by the court, upon a court trial, or is admitted by the defendant,

he shall be imprisoned in the State prison for not more than 10 years.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1941, Ch. 744.)

11713. Any person convicted under this division for transporting, selling, furnishing, administering, or giving away, or offering to transport, sell, furnish, administer, or give away, any narcotic shall be punished by imprisonment in the county jail for not less than six months nor more than one year, or in the State prison for not more than six years. Unlawful sale, etc.

If such a person has been previously convicted of a felony under the laws of the United States or of this or any other State, and if the previous conviction of a felony is charged in the indictment or information and is found to be true by the jury, upon a jury trial, or is found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in a State prison for not more than 10 years.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1945, Ch. 955.)

11714. Every person who hires, employs, or uses a minor in unlawfully transporting, carrying, selling, giving away, preparing for sale or peddling any narcotic, or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any narcotic to a minor, is guilty of a felony punishable by imprisonment in the state prison for not less than five years, and for each subsequent offense shall be imprisoned in the state prison for not less than 10 years. Use of minors

(Amended by Stats. 1951, Ch. 1149 and Ch. 1506.)

NOTE: Section 11714 as amended by Stats. 1951, Ch. 1149, reads as follows:

11714. Every person who hires, employs, or uses a minor in unlawfully transporting, carrying, selling, giving away, preparing for sale, or peddling any narcotic, or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any narcotic to a minor, is guilty of a felony punishable by imprisonment in the state prison for not less than one year nor more than six years, and for each subsequent offense shall be imprisoned in the state prison for not less than six years.

11715. Every person who forges or alters a prescription or who issues or utters an altered prescription, or who issues or utters a prescription bearing a forged or fictitious signature for any narcotic, or who obtains any narcotic by any forged, fictitious, or altered prescription, or who has in possession any narcotic secured by such forged, fictitious, or altered prescription, shall for the first offense be punished by imprisonment in the county jail for not less than six months nor more than one year, or in the state prison for not more than six years, and for each subsequent offense shall be imprisoned in the state prison for not more than ten years. Forgeries

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, by Stats. 1945, Ch. 955, and by Stats. 1949, Ch. 1475.)

11715.5. Any person not a citizen of the United States of America who is convicted of violating Sections 11712, 11713, 11714, 11715, or of committing any offense referred to in Aliens



those sections shall be reported to the appropriate agency of the United States having charge of deportation matters.

The certificate shall be issued by the court in which the conviction takes place, shall recite the facts of the case, and recommend that the defendant be deported.

(Added by Stats. 1939, Ch. 1097.)

Probation or  
suspension  
of sentence

11715.6. In no case shall any person convicted of violating Sections 11712, 11713, 11714, 11715, or of committing any offense referred to in those sections be granted probation by the trial court, nor shall the execution of the sentence imposed upon such person be suspended by the court.

(Added by Stats. 1939, Ch. 1097; amended by Stats. 1949, Ch. 1329, and by Stats. 1951, Ch. 1149.)

Violations

11715.7. Any person who shall violate any of the provisions of Sections 11162, 11162.5, 11163, 11163.5, 11164, 11170 and 11170.5, shall be punished by imprisonment in a county jail for not less than six months or in the state prison for not more than six years.

(Added by Stats. 1945, Ch. 955; amended by Stats. 1949, Ch. 1475.)

General  
penalty

11716. Every person who violates or fails to comply with any provision of this division, except one for which a penalty is otherwise in this division specifically provided, is guilty of a misdemeanor punishable by a fine in a sum not less than thirty dollars (\$30) nor more than five hundred dollars (\$500), or by imprisonment for not less than 15 nor more than 180 days, or by both.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

Revocation  
of regis-  
tration

11717. The Board of Pharmacy may revoke the registration of any registered pharmacist or registered assistant pharmacist upon conviction of violating any provision of this division, and in such case the registration shall not be restored before the period of one year from the date of the revocation.

#### Article 4.5. Addicts

(Article 4.5 added by Stats. 1939, Ch. 1079.)

11720. (Added by Stats. 1939, Ch. 1079; amended by Stats. First Ex. Sess. 1940, Ch. 9; repealed by Stats. 1945, Ch. 955.)

Violations

11721. No person shall unlawfully use or be addicted to the unlawful use of narcotics. Any person who shall violate any of the provisions of this section shall be punished by imprisonment in the county jail for not less than three nor more than six months.

(Added by Stats. 1939, Ch. 1079; amended by Stats. 1945, Ch. 955, and by Stats. 1949, Ch. 1475.)

Probation

11722. In no case shall any narcotic addict punishable under this article be granted probation by the trial court, nor shall the execution of the sentence imposed upon such person be suspended by the court.

(Added by Stats. 1939, Ch. 1079.)

## Article 5. Abatement

11780. Every building or place used for the purpose of unlawfully selling, serving, storing, keeping, or giving away any narcotics as defined in this division, and every building or place wherein or upon which such acts take place, is a nuisance which shall be enjoined, abated, and prevented, whether it is a public or private nuisance. Nuisance

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1949, Ch. 1475.)

11781. Whenever there is reason to believe that such a nuisance is kept, maintained or exists in any county, the district attorney of the county, in the name of the people, shall, or any citizen of the State resident in the county, in his own name, may, maintain an action to abate and prevent the nuisance and perpetually to enjoin the person conducting or maintaining it, and the owner, lessee, or agent of the building or place, in or upon which the nuisance exists, from directly or indirectly maintaining or permitting the nuisance. Action to abate

11782. Unless filed by the district attorney, the complaint in the action shall be verified. Complaint

11783. If the existence of the nuisance is shown in the action to the satisfaction of the court or judge, either by verified complaint or affidavit, the court or judge shall allow a temporary writ of injunction to abate and prevent the continuance or recurrence of the nuisance. Temporary injunction

11784. Except when it is granted on application of the people of the State, on granting the temporary writ the court or judge shall require a written undertaking on the part of the applicant, with sufficient sureties, to the effect that he will pay to the defendant enjoined such damages, not exceeding an amount to be specified, as the defendant sustains by reason of the injunction if the court finally decides that the applicant was not entitled to it. Undertaking

11785. The action shall have precedence over all other actions, except criminal proceedings, election contests, hearings on injunctions, and actions to forfeit vehicles under this division. Priority of action

11786. If the complaint is filed by a citizen it shall not be dismissed by him or for want of prosecution except upon a sworn statement made by him and his attorney, setting forth the reasons why the action should be dismissed, and by dismissal ordered by the court. Dismissal

11787. In case of failure to prosecute the action with reasonable diligence, or at the request of the plaintiff, the court, in its discretion, may substitute any other citizen consenting thereto for the plaintiff. Substitution of plaintiff

11788. If the action is brought by a citizen and the court finds there was no reasonable ground or cause for the action, the costs shall be taxed against him. Taxing of costs

11789. If the existence of the nuisance is established in the action, an order of abatement shall be entered as part of the judgment in the case, and plaintiff's costs in the action Order, lien, etc.

are a lien upon the building or place. The lien is enforceable and collectible by execution issued by order of the court.

**Violation of injunction**

11790. A violation or disobedience of the injunction or order for abatement is punishable as a contempt of court by a fine of not less than two hundred dollars (\$200) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not less than one nor more than six months, or by both.

**Removal and sale of property**

11791. If the existence of the nuisance is established in the action, an order of abatement shall be entered as a part of the judgment, which order shall direct the removal from the building or place of all fixtures, musical instruments, and other movable property used in conducting, maintaining, aiding, or abetting the nuisance and shall direct their sale in the manner provided for the sale of chattels under execution.

**Closing building**

The order shall provide for the effectual closing of the building or place against its use for any purpose, and for keeping it closed for a period of one year, unless sooner released, as provided in this division.

**Court custody**

11792. While the order of abatement remains in effect, the building or place is in the custody of the court.

**Fees**

11793. For removing and selling the movable property, the officer is entitled to charge and receive the same fees as he would for levying upon and selling like property on execution; and for closing the premises and keeping them closed, a reasonable sum shall be allowed by the court.

**Disposition of proceeds**

11794. The proceeds of the sale of the movable property shall be applied as follows:

First—To the fees and costs of the removal and sale.

Second—To the allowances and costs of closing and keeping closed the building or place.

Third—To the payment of the plaintiff's costs in the action.

Fourth—The balance, if any, to the owner of the property.

**Sale of building**

11795. If the proceeds of the sale of the movable property do not fully discharge all of the costs, fees, and allowances, the building and place shall then also be sold under execution issued upon the order of the court or judge and the proceeds of the sale shall be applied in like manner.

**Abatement by owner**

11796. If the owner of the building or place has not been guilty of any contempt of court in the proceedings, and appears and pays all costs, fees, and allowances that are a lien on the building or place and files a bond in the full value of the property, to be ascertained by the court, with sureties, to be approved by the court or judge, conditioned that he will immediately abate any such nuisance that may exist at the building or place and prevent it from being established or kept thereat within a period of one year thereafter, the court, or judge may, if satisfied of his good faith, order the building or place to be delivered to the owner, and the order of abatement canceled so far as it may relate to the property.



The release of property under the provisions of this division does not release it from any judgment, lien, penalty, or liability to which it may be subject.

11797. Whenever the owner of a building or place upon which the act or acts constituting the contempt have been committed, or the owner of any interest therein, has been guilty of a contempt of court, and fined in any proceedings under this division, the fine is a lien upon the building or place to the extent of his interest in it. Lien

The lien is enforceable and collectible by execution issued by order of the court.

## DIVISION 11. EXPLOSIVES

### PART 1. HIGH EXPLOSIVES

#### CHAPTER 1. DEFINITIONS AND GENERAL PROVISIONS

12000. Unless the context otherwise requires, "explosive," "Explosive" as used in this division, includes any of the following:

(a) Gunpowder, blasting powder, dynamite, guncotton, nitroglycerine, a nitroglycerine compound, fulminate, blasting cap (electric or nonelectric), or an explosive substance having an explosive power equal to or greater than black blasting powder.

(b) A substance to be exploded or ignited to produce a force for propelling missiles or rending other substances.

"Explosive" does not include any substance specified in this section in the form of fixed ammunition for small arms.

(Amended by Stats. 1947, Ch. 1568.)

12001. "Explosive manufacturing plant," as used in this division, includes all land used in connection with the manufacture and storage of explosives at any such plant. "Explosive manufacturing plant"

12002. This division does not apply to any shipment of explosives from a point within and consigned to a point without this State over a line of a common carrier. Exception

12003. This division does not affect the operation or provisions of any city or city and county ordinance respecting the delivery, storage, and handling of explosives. Same

12004. The Railroad Commission may make, publish, and promulgate regulations which are not in conflict with this division, and which, in the judgment of the commission, may promote the safe packing, loading, storage, and transportation of explosives. Railroad Commission regulations

12005. Any peace officer, or member of the police force of any city, city and county, or town where an act occurs giving rise to a forfeiture specified in this division may, for his own benefit, sue for the forfeiture. Action for forfeiture

12006. (Added by Stats. 1950 Third Ex. Sess., Ch. 41. Effective October 18, 1950. Repealed by Stats. 1951, Ch. 878. Effective June 5, 1951.)

NOTE: Section 12006 as added by Stats. 1950 Third Ex. Sess., Ch. 41, in effect from October 18, 1950, to June 5, 1951, reads as follows:

12006. "Lawful possession of an explosive" as used in this part, means the possession of an explosive authorized by a permit issued pursuant to this section.

The sheriff of a county, and the board of police commissioners, chief of police, or other head of the police department of any city or city and county, or any person designated by the sheriff, board of police commissioners, chief of police, or other head of the police department, upon proof that the person applying therefor is of good moral character, and that good cause exists for the issuance thereof may issue to such person a permit to purchase, possess, and use explosives for the purpose set forth in the permit.

This section shall remain in effect until the 91st day after the final adjournment of the 1951 Regular Session of the Legislature. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

## CHAPTER 2. SALES RECORDS

### Exceptions

12100. This chapter does not apply to any of the following persons:

(a) Any person who delivers explosives to another person or any carrier for transportation between places in this State.

(b) Any person who sells or delivers explosives in interstate commerce transactions.

### Journal or record book

12101. Every person who sells, gives away, delivers, or otherwise disposes of explosives shall keep an accurate journal or record book in which shall be noted at the time it is made, each sale, delivery, gift, or other disposition of an explosive made by him, whether in the course of business or otherwise.

### Notations

12102. Each notation in the journal or record book shall show, in a legible handwriting:

(a) The name and quantity of the explosive sold, delivered, given away, or otherwise disposed of.

(b) The name, residence, and business of the purchaser or transferee.

(c) The name of the individual to whom the explosive is delivered, his address, and a description of him sufficient for identification purposes.

### Inspection, etc.

12103. The journal or record book shall be kept by the person required to keep it in his principal office or place of business. It is at all times subject to the inspection and examination of the police authorities of the State, or of the county or city in which the principal office or place of business is situated, on proper demand.

### Purchaser statement: Contents

12104. It is unlawful for any person to sell, give away, or deliver any explosives without first taking from the person to whom the explosives are sold, given away, or delivered a statement in writing showing:

(a) The name and address of such person.

(b) The place where, and the purpose for which, the explosives are intended to be used.

12105. The statement shall be signed by the person to whom the explosives are sold, given away, or delivered, or by his agent. It shall also be witnessed by two persons known to the person selling, giving away, or delivering the explosives to be residents of the county where, as shown by the statement, the explosives are intended to be used. The witnesses shall certify that the person to whom the explosives are to be sold, given away, or delivered is personally known to them, and that to the best of their knowledge and belief, the explosives are required by such person for the purposes set forth in the statement.

Execution

Witnesses

12106. Every statement received by a person who sells, gives away, or delivers explosives shall at all times be kept on file in his principal office or place of business. It is subject to the inspection of the police authorities of the State, or of the county or city in which the principal office or place of business is situated, on proper demand.

Filing

Inspection

12107. Every person who violates any provision of this chapter is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than two thousand dollars (\$2,000), or by imprisonment for not less than six months, or by both.

Criminal  
penalty

12108. In addition to the criminal punishment, a person who violates any provision of this chapter shall forfeit the sum of two hundred fifty dollars (\$250) for each violation. The forfeiture may be sued for by any person in a court of competent jurisdiction.

Civil penalty

12109. A person who has instituted an action for a forfeiture pursuant to this chapter shall not dismiss it without the consent of the court in which it is pending. A judgment for such person shall not be settled, satisfied, or discharged except by an order of, and after deposit of the full amount of the judgment in, the court. All money deposited in the court shall be paid to the person who instituted the action.

Dismissal,  
etc., of  
forfeiture  
action

### CHAPTER 3. STORAGE

#### Article 1. General Provisions

12150. Except only at an explosive manufacturing plant, no person shall possess, keep, or store any explosive which is not completely inclosed and incased in a tight metal, wooden, or fiber container.

Containers

No person having any explosives in his possession or control shall under any circumstances permit or allow any grains or particles of explosives to be or remain on the outside of, or about, the containers in which the explosives are kept.

12150.5. Every person having any blasting caps (electric or nonelectric) in his possession or control, shall keep the same securely deposited in a locked receptacle, except when taken therefrom for actual use, transportation or sale.

Blasting  
caps

(Added by Stats. 1947, Ch. 1568.)



Magazines	12151. Except while being transported or while in the custody of a common carrier pending delivery to a consignee, every explosive shall be kept or stored in one of the two classes of magazines specified in this chapter.
Exception	12152. This chapter does not prohibit the keeping or storing of explosives in any explosive manufacturing plant which was actually used in manufacturing explosives prior to the fifteenth day of April, 1917.
Same	12153. This chapter does not prohibit the keeping or storing of explosives in any tunnel in which: <ul style="list-style-type: none"> <li>(a) No person is employed.</li> <li>(b) The doors are fireproof.</li> <li>(c) The doors at all times are kept closed and locked, except when necessarily opened by persons lawfully entitled to enter the tunnel for the purpose of storing or removing explosives.</li> <li>(d) On each door are printed legibly the words, "magazine," "explosives," "dangerous."</li> </ul>

## Article 2. Magazines of the First Class

Scope of article	12170. The provisions of this article relate to magazines of the first class.
"Building"	12171. "Building," as used in this article, means any building the whole or a part of which is regularly occupied as a habitation by human beings, and any store, church, schoolhouse, railway station, or other public place of assembly.
"Highway"	12172. "Highway," as used in this article, means any public street or public road, but does not include any road constructed and maintained by a private person.
"Railroad"	12173. "Railroad," as used in this article, means any steam, electric, or other railroad that carries passengers or articles of commerce for hire.
"Efficient artificial barricade"	12174. "Efficient artificial barricade," as used in this article, means an artificial mound or properly revetted wall of earth not less than three feet in thickness.
Mining or quarrying operations	12175. The provisions of this article regarding the amount of explosives that may be kept or stored in a magazine, or prescribing the distance at which a magazine shall be situated from a building, railroad, or highway, do not apply to persons engaged in mining or quarrying operations.
Nature	12176. A magazine of the first class is a structure in which more than 100 pounds of explosives are stored or kept.
Construction: Material	12177. The magazine shall be constructed wholly of fireproof material. It shall be fireproof and, unless it is used only for the storage of gunpowder or black blasting powder, bullet proof.
Openings	12178. The magazine shall have no openings except for ventilation and entrance.

12179. The doors of the magazine shall be fireproof and bullet proof. They shall at all times be kept closed and locked, except when necessarily opened by persons lawfully entitled to enter the magazine for the purpose of storing or removing explosives. Doors

12180. The magazine shall have sufficient ventilation openings, which shall be so screened as to prevent the entrance of sparks or fire through them. Ventilation

12181. No match, fire, or lighting device of any kind, except an electric light, shall at any time be permitted in any magazine. Matches,  
fires, etc.

12182. A sign on which are printed legibly the words, "magazine," "explosives," "dangerous," in letters not less than six inches high, shall be kept posted in a conspicuous place on each side of the magazine. Signs

12183. No package of explosives shall at any time be opened in any magazine. Opening  
packages

12184. Blasting caps, other detonating or fulminating caps, detonators, or electric fuzes shall not be kept or stored in any magazine in which explosives are kept or stored, but may be kept or stored in a magazine meeting the construction requirements of this article and located at least 100 feet from any magazine in which explosives are kept or stored. Blasting  
caps, etc.

12185. A magazine in which explosives are kept or stored shall be detached and located at least 100 feet from any other structure. Location

12186. The quantity of blasting caps or explosives that may be kept or stored in any magazine depends upon the distance that the magazine is situated from, and upon the protection afforded by natural ground or efficient artificial barricades to, the nearest building, highway, or railroad. Storage  
quantity

12187. In the following table is set forth the minimum distance that a magazine in which a specified quantity of blasting caps or explosives is kept or stored shall be situated from the nearest building, railroad, or highway Distance  
from nearest  
building,  
railroad or  
highway

Table

## QUANTITY AND DISTANCE TABLE

Column 1 Quantity kept or stored		Column 2	Column 3	Column 4
Blasting caps	Explosives	Distance from nearest building in feet	Distance from nearest railroad in feet	Distance from nearest highway in feet
Number	Pounds			
1,001— 5,000	-----	30	20	10
5,001— 10,000	-----	60	40	20
10,001— 20,000	-----	120	70	35
20,001— 25,000	Not more than 50	145	90	45
25,001— 50,000	51— 100	240	140	70
50,001— 100,000	101— 200	360	220	110
100,001— 150,000	201— 300	520	310	150
150,001— 200,000	301— 400	640	380	190
200,001— 250,000	401— 500	720	430	220
250,001— 300,000	501— 600	800	480	240
300,001— 350,000	601— 700	860	520	260
350,001— 400,000	701— 800	920	550	280
400,001— 450,000	801— 900	980	590	300
450,001— 500,000	901— 1,000	1,020	610	310
500,001— 750,000	1,001— 1,500	1,060	640	320
750,001—1,000,000	1,501— 2,000	1,200	720	360
1,000,001—1,500,000	2,001— 3,000	1,300	780	390
1,500,001—2,000,000	3,001— 4,000	1,420	850	420
2,000,001—2,500,000	4,001— 5,000	1,500	900	450
	5,001— 6,000	1,560	940	470
	6,001— 7,000	1,610	970	490
	7,001— 8,000	1,660	1,000	500
	8,001— 9,000	1,700	1,020	510
	9,001— 10,000	1,740	1,040	520
	10,001— 20,000	1,780	1,070	530
	20,001— 30,000	2,110	1,270	630
	30,001— 40,000	2,410	1,450	720
	40,001— 50,000	2,680	1,610	800
	50,001— 60,000	2,920	1,750	880
	60,001— 70,000	3,130	1,880	940
	70,001— 80,000	3,310	1,990	1,000
	80,001— 90,000	3,460	2,080	1,040
	90,001—100,000	3,580	2,150	1,080
	100,001—200,000	3,800	2,280	1,140
	200,001—300,000	4,310	2,590	1,300

Reduced distance

12188. Any applicable minimum distance may be one-half of that set forth in the quantity and distance table if the nearest building, railroad, or highway is effectually screened from the magazine either by a natural ground or an efficient artificial barricade of such height that:



(a) A straight line drawn from the top of any side wall of the magazine to any part of the building will pass through the barricade.

(b) A straight line drawn from the top of any side wall of the magazine to any point 12 feet above the center of the railroad or highway will pass through the barricade.

12189. The quantity and distance table is not applicable to any magazine if the nearest building, railroad, or highway is effectually screened from the magazine by a natural barrier, which:

Nonappli-  
cation of  
table

(a) At any one point is 40 feet or more in height above a straight line drawn from the top of any side wall of the magazine to any part of the building, or to any point 12 feet above the center of the railroad or highway.

(b) Has a natural thickness of not less than 200 feet at the point where it is intersected by the straight line.

12190. If at any time the distance from a magazine to the nearest building, highway, or railroad is decreased through the construction of a new building, highway, or railroad, the quantity of explosives kept or stored in the magazine shall be reduced to correspond with that specified for the new distance by the quantity and distance table. The distance need not be reduced, however, in the event that a new building is constructed in bad faith and with the intent to annoy, harass, oppress, or hinder the owner of the magazine.

When  
distance  
reduced on  
construction  
of new build-  
ing, etc.

### Article 3. Magazines of the Second Class

12210. A magazine of the second class is a stout box in which not more than 100 pounds of explosives are stored or kept.

Nature

12211. A sign on which are printed legibly the words, "magazine," "explosives," "dangerous," shall be kept posted in a conspicuous place on the magazine.

Sign

12212. Except when necessarily opened for use by authorized persons, the magazine shall at all times be kept securely locked.

Locking

### Article 4. Violations

12220. Every person who violates any provision of this chapter is guilty of a misdemeanor punishable by a fine of not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000), or by imprisonment for not more than six months, or by both.

Penalty

12221. Every person who wilfully or negligently violates the provisions of Section 12150.5 shall be subject to civil liability for damages, at the suit of any person injured as a result of his violation.

Civil  
liability

(Added by Stats. 1947, Ch. 1568.)

## CHAPTER 4. TRANSPORTATION

On common  
carriers

12300. It is unlawful to transport any explosives between places in this State on any vessel, car, or other vehicle carrying passengers for hire and operated by a common carrier, unless the explosives are:

(a) Small arms ammunition.

(b) Fuses, torpedoes, rockets, or other signal devices essential for the promotion of safety in operation.

(c) Properly packed and marked samples for laboratory examination, each not exceeding one-half pound in net weight, when not more than 20 are carried in a single vessel, car, or vehicle, and when they are not carried in that part of the vessel, car, or vehicle which is intended for the carriage of passengers for hire.

(d) Munitions of war in the possession of military or naval forces who are being carried on the vessel, car, or vehicle.

This section does not prohibit the transportation of explosives on a freight train that carries passengers for hire in a car or caboose attached to its rear.

Same

12301. It is unlawful to transport liquid nitroglycerine, dry fulminate in bulk, or other like explosive between places in this State on any vessel, car, or vehicle operated by a common carrier in the carriage of passengers or articles of commerce.

Felonious  
acts

12302. Every person who wilfully does any of the following is guilty of a felony punishable by imprisonment in a State penitentiary for not more than two years:

(a) Carries any explosive on his person on any vessel, car, or other vehicle that transports passengers for hire.

(b) Places or carries any explosive, while on board any such vessel, car, or vehicle, in any hand baggage, roll, or container.

(c) Places any explosive in any baggage which is later checked with any common carrier.

Package  
marking

12303. The contents of a package containing explosives shall be plainly marked on the outside of the package at the time the package is delivered to a common carrier for transportation.

False  
marking

It is unlawful for any person to deliver, or cause to be delivered, to any common carrier for transportation any explosive under any false or deceptive marking, description, invoice, shipping order, or other declaration, unless he informs the carrier or the carrier's agent, at or before the time of delivery, of the true character of the explosive.

Transporta-  
tion within  
city, etc.

12304. Every person who takes, carries, or transports, or causes to be taken, carried, or transported, any dynamite, vigorite, nitroglycerine, hercules or giant powder, or other high explosive into, through, or across any city or harbor in violation of the ordinances of the city, or of the laws or regulations governing the harbor, as the case may be, shall, in addition to any penalties imposed by such ordinances, laws,

or regulations, forfeit the explosive, together with any case in which it may be contained, to the State. Forfeiture

12305. Any citizen of the State may sue for the forfeiture for himself and the State by an action in any court of competent jurisdiction, but without any cost or expense to the State. If the forfeiture is directed by the judgment of the court, the property subject to the forfeiture shall be sold. The citizen instituting the action may retain one-half of the proceeds for his own benefit, and shall pay the other half into the State Treasury. Action for forfeiture

12306. Every person who wilfully violates, or causes the violation of, any provision of this chapter, except a provision in Sections 12302, 12304 and 12305, is guilty of a misdemeanor punishable by a fine of not more than two thousand dollars (\$2,000), or by imprisonment for not more than 18 months, or by both. Penalty

## CHAPTER 5. ILLEGAL USE OR POSSESSION

12350. "Explosive," as used in this chapter, means nitro-glycerine, dynamite, vigorite, hercules powder, giant powder, or any other high explosive. "Explosive"

12351. "Lawful possession of an explosive," as used in this chapter, means the possession of an explosive in any of the following: "Lawful possession of explosive"

(a) In the course of the business of manufacturing, selling, or transporting explosives.

(b) In the course of legitimate blasting operations.

(c) In the arts.

12351.5. "Lawful possession of an explosive" as used in this part, means the possession of an explosive Same

(a) In the course of legitimate blasting operations or in the arts, when authorized by a permit issued pursuant to this section, or

(b) In the course of the business of manufacturing, selling, or transporting explosives, or

(c) By a public agency.

The sheriff of a county, and the board of police commissioners, chief of police, or other head of the police department of any city or city and county, or any person designated by the sheriff, board of police commissioners, chief of police, or other head of the police department, upon proof that the person applying therefor is of good moral character, and that good cause exists for the issuance thereof may issue to such person a permit to purchase, possess, and use explosives for any of the purposes set forth in (a) above and which said permits shall specify the quantity of explosives covered thereby.

This section shall remain in effect until the ninety-first day after the final adjournment of the 1953 Regular Session of the Legislature. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and Duration



after this section is no longer effective shall have the same force as though this section had not been enacted.

(Added by Stats. 1951, Ch. 878. Effective June 5, 1951.)

Felonious  
acts:

12352. Every person who does either of the following is guilty of a felony:

Reckless or  
malicious  
possession

(a) Recklessly or maliciously has in his possession an explosive on a public street or highway; in or near any theater, hall, school, college, church, hotel, other public building, or private habitation; in, on, or near any railway passenger train or car, cable road or cable car, steam or other vessel engaged in carrying passengers, ferryboat, or public place ordinarily passed by human beings.

Reckless or  
malicious  
use

(b) Recklessly or maliciously uses an explosive to intimidate, terrify, or endanger any human being.

Presumption

Any person not in the lawful possession of an explosive who is found with an explosive on his person or in his possession on, in, or near any of the buildings, means of transportation, or places mentioned in this section, is presumably guilty of reckless and malicious possession of the explosive.

Unlawful  
possession

12353. Every person not in the lawful possession of an explosive who knowingly has any explosive in his possession is guilty of a felony punishable by imprisonment in a State prison for not more than five years, or by a fine of not more than five thousand dollars (\$5,000), or by both.

Use at place  
of assem-  
blage

12354. Every person is guilty of a felony punishable by imprisonment in the State prison for not less than one year who, with the intent to injure or destroy it, or with the intent to injure, intimidate, or terrify any human being, maliciously uses, places, deposits, explodes, or attempts to explode any explosive at, in, under, or near, or takes any explosive into or near, any (a) building, vessel, boat, railroad, tramroad, cable road, train, car, depot, stable, car-house, theater, school-house, church, or dwelling; (b) other place usually inhabited, frequented, or passed by human beings, or where human beings usually assemble; or who by any of such acts injures or endangers any human being.

## CHAPTER 6. MISCELLANEOUS

Unlawful  
entry of  
magazine

12400. With the exception of a peace officer, the owner, a person authorized to enter by the owner, or the owner's agent, every person who enters any explosive manufacturing plant, magazine, or car containing explosives is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for not more than three months, or by both.

Discharge  
of firearm

12401. Every person who wilfully discharges any firearm within 500 feet of any magazine or any explosive manufacturing plant is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for not more than one year, or by both.

12402. If no other criminal punishment is prescribed by this division, any person who makes or keeps gunpowder, nitroglycerine, or any other highly explosive substance in any city, or who carries any such substance through the streets of any city, in any quantity or manner prohibited either by this division or by any ordinance of the city in which it is made, kept, or carried, is guilty of a misdemeanor.

## PART 2. FIREWORKS

(Part 2 added by Stats. 1939, Ch. 534)

12500. "Dangerous fireworks," as used in this part, includes any of the following: "Dangerous fireworks"

Pyrotechnics or fireworks containing phosphorous, sulphocyanide, mercury, chlorate of potash and sulphur or chlorate of potash and sugar;

Firecrackers, salutes and other explosive articles of similar nature;

Blank cartridges;

Sky rockets, including all devices which rise in the air during discharge;

Roman candles, including all devices discharging balls of fire into the air;

Chasers, including all devices which dart or travel about the surface of the ground during discharge;

Snakes, boa constrictors and snake nests, containing bichloride of mercury;

All articles for pyrotechnic display, which contain gunpowder;

Articles commonly known as son-of-a-gun, devil-on-the-rock, crackit sticks and automatic torpedoes which contain arsenic;

Explosives known as devil-on-the-walk, or any other article of similar character which explodes through means of friction, and all other similar fireworks, unless otherwise designated;

Toy torpedoes of all kinds except those specifically designed for use only with toy pistol paper caps containing not more than twenty-five hundredths grain of explosive compound to each paper cap.

Such other fireworks as may be designated as dangerous by the State Fire Marshal.

(Added by Stats. 1939, Ch. 534; amended by Stats. 1945, Ch. 982, and by Stats. 1947, Ch. 1316.)

12501. "Safe and sane fireworks," as used in this part, includes any fireworks not designated as "dangerous fireworks." "Safe and sane fireworks"

(Added by Stats. 1939, Ch. 534.)

12502. "Class 1 inflammable liquid," as used in this part, includes any liquid whose flash point is one hundred (100) degrees Fahrenheit, or less. "Class 1 inflammable liquid"

(Added by Stats. 1939, Ch. 534.)

License  
required

12503. No person, without securing a permit shall do any of the following:

- (a) Manufacture, possess or sell any dangerous fireworks;
- (b) Sell any safe and sane fireworks as a retailer;
- (c) Discharge dangerous fireworks any place;
- (d) Make a public display of fireworks.

(Added by Stats. 1939, Ch. 534; amended by Stats. 1947, Ch. 1316.)

Application

12504. Any person desiring to do any act mentioned in subparagraphs (a) and (b) of the preceding section shall first make written application for a permit to the chief of the fire department or the chief fire prevention officer of the city or county, or to such other person as may be designated by the governing body of the city or county, or in the event there be no such officer or person appointed within the area, to the State Fire Marshal or his appropriate deputy.

It shall be the duty of the officer to whom the application for a permit was made to make an investigation and submit a report of his findings and his recommendation for or against the issuance of the permit, together with his reasons therefor, to the governing body of the city or county. The governing body shall have power in its discretion to grant or deny the application, subject to such reasonable conditions, if any, as it shall prescribe.

This act does not prohibit any manufacturer, wholesaler, dealer or jobber having a permit secured under the provisions of this part, from manufacturing or selling any kind of fireworks for direct shipment out of this State or from manufacturing or selling at wholesale any dangerous fireworks to permittees hereunder, or the use of torpedoes, flares, or fusees by railroad or other transportation agencies for signal purposes or illumination; or the sale or use of blank cartridges for ceremonial purposes, athletic or sport events, or military ceremonials or demonstrations; or the sale of dangerous fireworks to permittees having a permit, as hereinafter provided for public displays; or the use and display of fireworks of whatever nature by any individual, firm or corporation engaged in the production of motion pictures, theatricals or operas, when such use and display is a necessary part of such production.

(Added by Stats. 1939, Ch. 534; amended by Stats. 1947, Ch. 1316.)

Does not  
restrict  
other laws

12505. Nothing in this part, or the permits issued under it, shall authorize the manufacture, sale, use or discharge of fireworks in any city or county in which such manufacture, sale, use or discharge is otherwise prohibited by law or ordinance.

(Added by Stats. 1939, Ch. 534.)

Forest  
lands, etc.

12506. Nothing in this part shall be construed as permitting any person to set off fireworks of any kind in forest, fallows, grass or brush covered land, either on his own land or the property of another, between April 15th and December 1st of any year, unless it is done under a written permit from the



State Forester or his duly authorized agent, and in strict accordance with the terms of the permit.

(Added by Stats. 1939, Ch. 534.)

12507. (a) "Class A fireworks," as used in this part, shall include the following: "Class A fireworks"

Colored bomb shells over 15 inches in circumference or consisting of more than one break;

Detonating shells, also known as aerial bombs, over nine inches in circumference or consisting of more than one break;

Ground bombardments, also known as detonating reports, of all sizes which explode on the ground;

Such other fireworks which may be designated for such classification by the State Fire Marshal.

(b) "Class B fireworks," as used in this and succeeding sections shall include all types of dangerous fireworks mentioned in Section 12500 excepting fireworks designated as "Class A fireworks." "Class B fireworks"

(c) Any adult person or any firm, copartnership or corporation planning to make a public display of fireworks shall first make written application for a permit to the chief of the fire department or the chief fire prevention officer of the city or county in which the display is to be held, or to the State Fire Marshal, or to such authorized deputy as he may designate for such purpose, if there be no chief of the fire department or chief fire prevention officer in the area, at least 24 hours in advance of the date of the proposed display. Application

It shall be the duty of the officer to whom the application for a permit is made to make an investigation as to whether such a display as proposed shall be of such a character and so located that it may be hazardous to property or dangerous to any person and he shall in the exercise of reasonable discretion grant or deny the application, subject to such reasonable conditions, if any, as he may prescribe. Investigation

(Added by Stats. 1939, Ch. 534; amended by Stats. 1947, Ch. 1316.)

12508. The applicant for such display permit shall at the time of application, furnish proof that he carries compensation insurance for his employees as provided by the laws of this State, and he shall file with the officer to whom the application is made, a bond issued by an authorized surety company to be approved by such officer, conditioned upon the applicant's payment of all damages to persons or property which shall or may result from or be caused by such public display of fireworks, or any negligence on the part of the applicant, or his or its agents, servants, employees, or subcontractors in the presentation thereof, or a certificate evidencing the carrying of appropriate public liability insurance issued by an insurance carrier authorized to transact business in this State for the benefit of the person named therein as assured, as evidence of ability to respond in damages in at least such amount, said policies to be Compensation Insurance  
Bond

similarly approved. If the permit is granted, the sale, possession, and use of fireworks for the public display is lawful for that purpose only. No permit granted is transferable.

Amount of  
bond

In the case of an application for a permit to display Class A fireworks, or a combination of Class A and Class B fireworks, the amount of such a surety bond shall be not less than ten thousand dollars (\$10,000), and the amount of such insurance shall be not less than twenty thousand dollars (\$20,000).

In the case of an application for a permit to display Class B fireworks exclusively, the amount of the surety bond shall be not less than one thousand dollars (\$1,000), and the amount of the insurance shall be not less than five thousand dollars (\$5,000). Provided, that in lieu of filing a surety bond, an applicant for such a Class B permit may file a bond in the sum of at least one thousand dollars (\$1,000) with at least two good and sufficient sureties, subject to like conditions and to the approval of the officer issuing the permit.

Supervision

Every public display of fireworks which includes in whole or in part any "Class A fireworks" shall be handled or supervised by a competent and experienced pyrotechnic operator approved by the chief of the fire department or the chief fire prevention officer of the city or county in which the display is to be held, or by the State Fire Marshal or his authorized deputy therefor, if there be no chief of the fire department or chief fire prevention officer in the area.

Public display of "Class B fireworks" may be supervised or handled by any competent adult person approved by the officer issuing the permit.

(Added by Stats. 1939, Ch. 534; amended by Stats. 1947, Ch. 1316.)

Rules and  
regulations

12509. The State Fire Marshal shall adopt reasonable rules and regulations not inconsistent with the provisions of this part, for the granting of permits for, and the presentation of, public displays of fireworks.

All public displays of fireworks shall be of such a character and so located, discharged, or fired as not to be hazardous or dangerous to persons or property.

(Added by Stats. 1939, Ch. 534; amended by Stats. 1947, Ch. 1316.)

General  
license

12509a. Notwithstanding the provisions of this part any adult person, or any firm, corporation, or copartnership may secure a general license for the public display of fireworks within the State of California subject to the provisions of this part relative to the securing of local permits for displaying of fireworks in any city or county, excepting that in lieu of filing such bonds or certificate of public liability insurance as herein above provided in this part, a surety bond similarly conditioned in the amount of twenty-five thousand dollars (\$25,000) or a certificate evidencing public liability insurance in a like amount shall be filed with the State Fire Marshal, who shall have the authority to issue such licenses, subject to such reasonable rules and regulations, not inconsistent herewith, which he may adopt.

Bond

A certificate evidencing such general license, when so obtained, shall be filed with the legislative body or officer granting a permit for the display of fireworks prior to the issuance thereof.

(Added by Stats. 1947, Ch. 1316.)

12509b. No permit shall be granted for the discharge of dangerous fireworks except in connection with public displays of fireworks. Public displays

(Added by Stats. 1947, Ch. 1316.)

12510. No person shall transport, convey, or deliver any dangerous fireworks except for permittees making delivery to any other permittees, or to locations of public displays of fireworks authorized hereunder or to distributors outside of this State. Transportation

(Added by Stats. 1939, Ch. 534.)

12511. No person shall sell or discharge any fireworks in any public garage or public oil station or on any premises where gasoline or other class 1 inflammable liquids are stored or dispensed or where more than four motor vehicles are stored. Garages, etc.

(Added by Stats. 1939, Ch. 534.)

12512. No person shall allow any rubbish to accumulate in any premises where any fireworks are stored or sold. Rubbish in premises

(Added by Stats. 1939, Ch. 534.)

12513. Violation of this part is a misdemeanor. Penalty

(Added by Stats. 1939, Ch. 534.)

## DIVISION 12. FIRES AND FIRE PROTECTION

### PART 1. GENERAL PROVISIONS

#### CHAPTER 1. LIABILITY IN RELATION TO FIRES

13000. Every person is guilty of a misdemeanor who allows a fire kindled or attended by him to escape from his control or to spread to the lands of any person other than the builder of the fire without using every reasonable and proper precaution to prevent the fire from escaping. Control of fire

13001. Every person is guilty of a misdemeanor who throws or places any lighted cigarette, cigar, ashes, or other flaming or glowing substance, or any substance or thing which may cause a fire, in any place where it may directly or indirectly start a fire, or who uses or operates a welding torch, tar pot or any other device which may cause a fire, who does not clear the inflammable material surrounding the operation or take such other reasonable precautions necessary to insure against the starting and spreading of fire. Lighted cigarettes, etc.  
Welding torch, etc.

(Amended by Stats. 1945, Ch. 994.)

13002. Every person is guilty of a misdemeanor who throws from a moving vehicle any lighted cigarette, cigar, ashes, or other flaming or glowing substance, or any substance or thing which may cause a fire. Throwing from moving vehicle



Use of locomotive, etc., without spark device

13003. Every person is guilty of a misdemeanor who uses any logging locomotive, donkey or threshing engine, or any other engine or boiler, in or near any forest, brush, grass, grain, or stubble land, unless the engine or boiler is provided with adequate devices to prevent the escape of fire or sparks and unless he uses every reasonable precaution to prevent the causing of fire thereby.

Use of harvester without fire extinguisher

13004. Every person is guilty of a misdemeanor who harvests grain or causes it to be harvested by means of a combined harvester, header, or stationary threshing machine, or who bales hay by means of a hay press, unless he keeps at all times in convenient places upon each machine or press, two suitable chemical fire extinguishers, approved by the underwriters' laboratories, each of a capacity of not less than two and one-half gallons and fully equipped and ready for immediate use, or two back-pack or pump-type water extinguishers of not less than four-gallon capacity, fully equipped, filled with water and ready for immediate use.

(Amended by Stats. 1945, Ch. 994.)

Operation of tractors, etc., without spark devices

13005. Every person is guilty of a misdemeanor who operates or causes to be operated any gas tractor, oil-burning engine, gas-propelled harvesting machine, or auto truck in harvesting or moving grain or hay, or who moves any tractor, engine, machine or auto truck in or near any grain or grass lands, unless there is attached to the exhaust an effective device for arresting burning carbon and sparks.

Preventing extinguishment of fire, etc.

13006. Every person is guilty of a misdemeanor who, at the burning of a building, does any of the following:

(a) Disobeys the lawful orders of any public officer or fireman.

(b) Offers any resistance to or interference with the lawful efforts of any fireman or company of firemen to extinguish the fire.

(c) Engages in any disorderly conduct calculated to prevent the fire from being extinguished.

(d) Forbids, prevents, or dissuades others from assisting to extinguish the fire.

## CHAPTER 2. FIRE EQUIPMENT

### Article 1. Standard Equipment

Standard threads for fire equipment

13025. All equipment for fire protective purposes, purchased by any authorities having charge of public property, shall be equipped with the standard threads for fire hose couplings and hydrant fittings designated as the National standard as adopted by the National Board of Fire Underwriters, which standard is designated as the standard for such equipment in this State.

Authority of State Fire Marshal

13026. The State Fire Marshal is authorized to make such changes as may be necessary to standardize all existing fire protective equipment throughout this State.

(Amended by Stats. 1943, Ch. 782.)

13027. The State Fire Marshal shall notify industrial establishments and property owners having equipment for fire protective purposes of the changes necessary to bring their equipment into conformity with, and shall render them such assistance as may be available in converting their equipment to, standard requirements.

Notice and assistance to property owners

13028. Any person who sells or offers for sale any fire hose, hydrant, fire engine or other equipment with threaded parts, for fire protective purposes, unless it is fitted and equipped with the standard thread for fire hose couplings and hydrant fittings is guilty of a misdemeanor, punishable by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), or by imprisonment in the county jail for not less than five or more than 30 days, or by both.

Unlawful sale

Penalty

## Article 2. Use of Fire Equipment

13050. The apparatus, equipment and fire fighting force of any city, or city and county, or of any county fire protection district may be used for the purpose of extinguishing any fire which occurs:

Use of city fire equipment outside city

(a) In any city, or city and county, or in any county fire protection district, which is of such proportions that it can not be adequately handled by the fire department of the city, or city and county, or the county fire protection district.

(b) Outside the limits of any city, or city and county, or any county fire protection district.

Charge

13051. The reasonable value of the use of, and repairs and depreciation on, apparatus and equipment, and other expenses reasonably incurred in furnishing fire fighting services, constitutes a charge against the city, city and county, or the county fire protection district in which the fire occurs, or if the fire occurs outside the boundaries of any city, city and county, or any county fire protection district, a charge against the county in which the fire occurs.

13052. The entity rendering the service shall present a claim to the entity liable therefor, in accordance with predetermined schedules of payments agreed upon by the respective entities. If the claim is approved by the head of the fire department, if any, in the entity to which presented, and by its governing body, it shall be paid in the same manner as other charges and if not paid an action may be brought for its collection.

Payment

13053. Whenever a fire occurs in any county or within the boundaries of any National forest which is of such proportions that it can not be adequately handled by the forestry department or fire warden of the county or the facilities of the Division of Forestry of the State or of the United States Forest Service, the personnel, equipment, and fire fighting facilities of any county may be authorized by the State forest ranger within the county or the county forester or fire warden of the county to assist in its extinguishment and control.

Use of county fire equipment outside county

**Payment** 13054. Where the personnel, equipment, and facilities of any county are utilized in the extinguishment or control of any fire outside its boundaries, the county furnishing its personnel, equipment, and facilities shall be reimbursed by the county in which the fire occurs in an amount in accordance with a predetermined schedule of repayments agreed upon by the boards of supervisors of the counties, or between the board of supervisors of the county and the Division of Forestry of the State or the United States Forest Service, as the case may be.

## PART 2. FIRE PROTECTION

### CHAPTER 1. STATE FIRE MARSHAL

#### Article 1. General

(Article heading added by Stats. 1945, Ch. 1173)

**State Fire Marshal** 13100. There is in the State Government the office of the State Fire Marshal.

**Functions** 13100.1. The functions of the office shall be to foster, promote and develop ways and means of protecting life and property against fire and panic.  
(Added by Stats. 1945, Ch. 1173.)

**Appointment** 13101. The State Fire Marshal shall be appointed by the Governor with the advice and consent of the Senate and shall hold office at the pleasure of the Governor. In order to be eligible for appointment, he shall have had not less than eight years experience in a regularly organized fire department in this State. He shall be paid the annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.  
(Amended by Stats. 1941, Ch. 756, by Stats. 1945, Ch. 1173 and Ch. 1185, by Stats. 1947, Ch. 1389, and by Stats 1951, Ch. 1613.)

**Salary**

**Assistants** 13102. The State Fire Marshal may employ such salaried office and field assistants as he may consider necessary.

**Deputies** 13103. The State Fire Marshal may appoint such assistant or deputy State fire marshals as he may consider necessary from among active chiefs of fire departments, city fire marshals, and his salaried field assistants.  
The State Fire Marshal and the assistant or deputy State fire marshals shall exercise the functions of police officers.

**Enforcement of fire laws** 13104. The State Fire Marshal shall aid in the enforcement of all laws and ordinances and any rules and regulations adopted under the provisions of this chapter relating to fires or to fire prevention and protection.

**Attendance at fires** He shall, if possible, attend, and take charge of and protect all property which may be imperiled by any fire other than:  
(a) A forest, brush, or grain fire.  
(b) A fire occurring within any city or town maintaining a fire department, within a county fire protection district, or



within a county where there is a regularly appointed county fire warden.

(Amended by Stats. 1945, Ch. 1173.)

13104.5. Except on property which has been deeded to the State for taxes, the State Fire Marshal may abate fire hazards existing on property owned, controlled, or held in trust by the State, in areas not under the jurisdiction of the State Forester, upon the request of the legislative body of the city, county, or city and county within which the property is situated. The cost of the abatement shall be paid out of any money in the State Treasury appropriated for that purpose.

Abating  
fire hazards  
on State  
property

(Added by Stats. 1939, Ch. 693.)

13104.6. The State Fire Marshal may determine the existence of a fire hazard on any property which has been deeded to the State for taxes and may serve a written notice of condemnation of the fire hazard on the State Controller, or on any person designated by the Controller. The fire hazard is then subject to removal in accordance with the law relating to removal of public nuisances on tax-deeded property.

Fire hazard  
on tax-  
deeded  
property

(Added by Stats. 1939, Ch. 693.)

13105. He shall encourage the adoption of fire prevention measures by means of education, and shall prepare or cause to be prepared for dissemination information relating to the subject of fire prevention and extinguishment.

Encourage-  
ment of fire  
prevention

13106. During the existence of a fire, the State Fire Marshal may protect any property which is affected thereby until the arrival of the owner or claimant. If the owner or claimant does not take charge of the property within 24 hours, the State Fire Marshal may store it at the owner's or claimant's expense.

Protection  
of property

13107. If there is reason to believe that any fire has resulted from crime or that crime has been committed in connection with any fire, the State Fire Marshal shall report that fact in writing to the district attorney of the county in which the fire occurred. If the fire occurred in a city or county having a regularly organized fire department, such investigations and reports shall be made in conjunction with the fire official of that area.

Reports to  
district  
attorney

(Amended by Stats. 1945, Ch. 1173.)

13108. The State Fire Marshal shall make and enforce orders, rules, and regulations, not inconsistent with existing laws or ordinances relating to fire protection in the design and construction of, the means of egress and the adequacy of exits from, the installation and maintenance of fire alarm and fire extinguishment equipment or systems in, and the installation and maintenance of equipment and furnishings that present unusual fire hazards in, any State institution.

Rules and  
regulations

(Amended by Stats. 1943, Ch. 782, and by Stats. 1945, Ch. 1173.)

13109. The State Fire Marshal, his deputies, or his salaried assistants, the chief of any city or county fire department or fire protection district and their authorized representatives may enter any building or premises not used for dwelling purposes

Inspection

at any reasonable hour for the purpose of enforcing this chapter. The owner, lessee, manager or operator of any such building or premises shall permit the State Fire Marshal, his deputies, his salaried assistants and the chief of any city or county fire department or fire protection district and their authorized representatives to enter and inspect them at the time and for the purpose stated in this section.

(Amended by Stats. 1943, Ch. 782, and by Stats. 1945, Ch. 1173.)

Reports to  
Governor

13110. The State Fire Marshal shall submit monthly and annual reports to the Governor.

Funds and  
appropriations

13111. The State Fire Marshal's Fund shall be discontinued on the first day of the month following the effective date of this section. The unexpended money in the fund shall thereafter be transferred to the General Fund. The cost of enforcing this chapter and any other laws in which the State Fire Marshal is designated as the enforcing officer or agent shall be paid for out of funds appropriated from the General Fund for that purpose.

Any appropriation heretofore or hereafter made payable out of the State Fire Marshal's Fund, on and after the first day of the month following the effective date of this section, shall be payable out of the General Fund.

Any appropriations heretofore or hereafter made to the Division of Fire Safety in the Department of Industrial Relations shall be deemed to have been made to the Office of the State Fire Marshal.

(Added by Stats. 1939, Ch. 105; amended by Stats. 1945, Ch. 1173.)

Expenditures

13111.1. The office of the State Fire Marshal may expend money appropriated for the administration of the laws, the enforcement of which is committed to the office. Such expenditures by the office shall be made in accordance with law in carrying on the work for which such appropriations were made.

(Added by Stats. 1945, Ch. 1173.)

Head of  
department

13111.2. The State Fire Marshal is the head of a department within the meaning of Chapter 2, Part 1, Division 3, Title 2, of the Government Code.

Penalty

13112. Every person who violates any provision of this chapter, or any order, rule, or regulation made pursuant to this chapter, is guilty of a misdemeanor punishable by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), or by imprisonment for not less than 30 nor more than 180 days, or by both.

A person is guilty of a separate offense each day during which he commits, continues, or permits a violation of any provision of, or any order, rule, or regulation made pursuant to, this chapter.

Use of non-  
inflammable  
material for  
tents, etc.

13115. It is unlawful for any person, firm or corporation to establish, maintain or operate any circus, side show, carnival, tent show, theater, skating rink, dance hall, or a similar exhibition, production, engagement or offering or other place of

assemblage in or under which 10 or more persons may gather for any lawful purpose, in any tent, awning or other fabric enclosure unless such tent, awning or other fabric enclosure, and all auxiliary tents, curtains, drops, awnings and all decorative materials, are made from a nonflammable material or are treated and maintained in a flame-retardant condition. This paragraph shall not apply to tents used to conduct committal services on the grounds of a cemetery, nor to tents, awnings or other fabric enclosures erected and used within a sound stage, or other similar structural enclosure which is equipped with an overhead automatic sprinkler system.

"Flame-retardant" as used herein means treated by a flame-retardant solution or process approved by the State Fire Marshal, that will render the fabric or material resistant to flame or fire to the extent that it will successfully withstand standard fire-resistive tests adopted and promulgated by the State Fire Marshal.

(Added by Stats. 1945, Ch. 727; amended by Stats. 1947, Ch. 800.)

13116. The State Fire Marshal is hereby authorized and directed to prepare and adopt rules and regulations establishing minimum standards for the prevention of fire and panic in connection with the use of tents, awnings or other fabric enclosures.

Regulations  
re use of  
tents, etc

(Added by Stats. 1945, Ch. 727.)

13118. All solvents offered for sale at retail having a flash point below 120 degrees F., closed cup test, shall have on the container a label, in legible type in contrast with the background of said label, words indicating that said solvent is flammable.

Labeling  
flammable  
solvent

Any person, firm or corporation in violation of the provisions of this section shall be guilty of a misdemeanor.

Violation

This act shall not become effective until July 1, 1948.

Operative  
date

(Added by Stats. 1947, Ch. 1030.)

13119. It is unlawful for any person, firm or corporation to establish, maintain or operate any night club, restaurant, cafe or any similar place where alcoholic liquors are sold for consumption on the premises, or any dance hall, skating rink, theater, motion picture theater, auditorium, school, or any other place of public assemblage used, or intended for use, as a place of amusement, entertainment, instruction, display, or exhibition, unless all drapes, hangings, curtains, drops and all other similar decorative materials that would tend to increase the fire or panic hazard, are made from a nonflammable material, or are treated and maintained in a flame-retardant condition as defined in Section 13115. The provisions of this section shall not apply to portions of the premises which are not a part of and are not directly connected with that portion of the premises used for any of the above purposes.

Use of non-  
flammable  
material  
for drapes,  
curtains,  
etc., in place  
of public  
assemblage

(Added by Stats. 1947, Ch. 1549.)



Minimum  
standard  
requirements,  
rules and  
regulations

13120. The State Fire Marshal shall establish minimum standard requirements, and shall adopt such rules and regulations as are deemed necessary by him to properly regulate the manufacture, sale and application of flame-retardant chemicals and the sale of flame-retardant treated fabrics or materials used or intended for use in connection with any occupancy mentioned in Sections 13115 and 13119.

(Added by Stats. 1947, Ch. 1549.)

Laboratory  
tests

13121. The State Fire Marshal shall, before approving any flame-retardant chemical, fabric or material, require that such flame-retardant chemicals and flame-retardant fabrics or materials be submitted to a laboratory approved by him for test in accordance with the standards established pursuant to Section 13120.

(Added by Stats. 1947, Ch. 1549.)

List of  
approved  
flame-  
retardant  
chemicals,  
etc.

13122. The State Fire Marshal shall promulgate and make available at cost of printing at least once each year a list of the flame-retardant chemicals, flame-retardant fabrics or materials, and flame-retardant application concerns approved by him. He may, without cost, furnish a single copy of such list to each flame-retardant chemical and application concern that is registered and approved by him and to all California fire officials.

(Added by Stats. 1947, Ch. 1549; amended by Stats. 1951, Ch. 1290.)

Removal  
from ap-  
proved list

13123. The State Fire Marshal shall remove from his approved list the name of any flame-retardant chemicals, flame-retardant fabric or material or any flame-retardant application concern where he finds after a hearing that any of the following causes exists:

(a) Selling or offering for sale a flame-retardant chemical or a flame-retardant material that is inferior to that submitted for test and approval.

(b) Distributing or disseminating or causing to be distributed or disseminated, misleading or false information with respect to any flame-retardant chemical, fabric or material.

(c) Changing the flame-retardant chemical formula or methods of flame-retardant treatment without first notifying the State Fire Marshal of such change and obtaining approval of same.

(d) Using other than chemicals shown on the State Fire Marshal's approved list.

(e) Using chemicals for the treatment of materials for which they have not been approved.

(f) Failure to adequately and properly treat a fabric or material to make it fire-resistant to the extent that it will successfully pass the fire-resistant tests established by the State Fire Marshal.

(g) Violating any minimum standard or any rule or regulation adopted pursuant to Section 13120.

The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the State Fire Marshal shall have all the powers granted therein. Pending hearing and decision the State Fire Marshal may temporarily remove any name from his approved list for a period not to exceed 30 days, if he finds that such action is required in the public interest. In any such case the order of temporary removal shall be effective upon notice to the persons affected thereby, and a hearing shall be held and a decision issued within 30 days after such notice. Procedure

(Added by Stats. 1947, Ch. 1549.)

13124. The name of any chemical, chemical concern or flame-retardant application concern whose name has been removed from the approved list shall not again be restored to the approved list for a period of 90 days from the date of such removal. Restoration to list

(Added by Stats. 1947, Ch. 1549.)

13125. The name of any chemical, chemical concern or flame-retardant application concern shall not be restored to the approved list until a new application, accompanied by a new registration fee, has been filed with the State Fire Marshal. New application

(Added by Stats. 1947, Ch. 1549.)

13126. With the advice of the State Fire Advisory Board, the State Fire Marshal shall prepare and adopt rules and regulations establishing minimum standards and specific procedures for the approval of flame-retardant chemicals, flame-retardant materials and flame-retardant applicator concerns whose names are to appear on the approved list. Rules and regulations

(Added by Stats. 1947, Ch. 1549.)

13127. Any chemical manufacturing concern, or any flame-retardant application concern, or any concern marketing a flame-retardant fabric or material who desires to have their name appear on the approved list shall first make application to the State Fire Marshal on forms provided by him. Such applications shall be accompanied by the registration fee as follows: Application

(a) The original and annual renewal registration fee for approval and listing of one flame-retardant chemical for an individual concern shall be one hundred fifty dollars (\$150). The original and annual renewal fee for each additional flame-retardant chemical approved and listed for an individual concern shall be thirty dollars (\$30). Fees

(b) The original and annual renewal registration fee for approval and listing of one flame-retardant fabric or material for an individual concern shall be one hundred fifty dollars (\$150). The original and annual renewal registration fee for each additional flame-retardant fabric or material approved and listed for an individual concern shall be thirty dollars (\$30).

(c) The original and annual renewal registration fee for a flame-retardant application concern shall be fifty dollars (\$50).

(Added by Stats. 1947, Ch. 1549.)

- Fiscal year period** 13128. The annual and renewal registration fee shall be for the fiscal year period from July 1st to June 30th or for the remaining portion thereof.  
(Added by Stats. 1947, Ch. 1549.)
- Removal from list for failure to pay fee** 13129. The State Fire Marshal shall remove from the approved list the names of all chemicals, chemically treated fabrics or materials and the names of all flame-retardant applicator concerns who have not paid their renewal registration fee prior to August 1st of each year.  
(Added by Stats. 1947, Ch. 1549.)
- Revenues** 13130. All money collected pursuant to this chapter shall be deposited in the General Fund.  
(Added by Stats. 1947, Ch. 1549.)

## Article 2. The State Fire Advisory Board

(Article 2 added by Stats. 1945, Ch. 1173)

- State Fire Advisory Board** 13140. There is hereby created in the office of the State Fire Marshal a State Fire Advisory Board of eleven, who shall act in an advisory capacity to the State Fire Marshal in establishing minimum standards for the protection of life and property against fire and panic and for the coordination of activities in the State Fire Marshal's office with those of local governmental agencies.  
(Added by Stats. 1945, Ch. 1173.)
- Qualifications** 13140.5. No person shall be appointed to or retain membership on the board who is not a regular member of a regularly organized governmental fire department or agency.  
(Added by Stats. 1945, Ch. 1173.)
- Quorum** 13140.6. A quorum of the board shall consist of not less than six regular members of the board.  
(Added by Stats. 1945, Ch. 1173.)
- Chairman** 13140.7. The State Fire Marshal shall act as chairman of the board.  
(Added by Stats. 1945, Ch. 1173.)
- Meetings** 13141. The board shall meet at the call of the State Fire Marshal and shall be paid actual and necessary traveling expenses.  
(Added by Stats. 1945, Ch. 1173.)
- Appointment** 13142. The members of the State Fire Advisory Board shall be appointed by the Governor with the advice and consent of the Senate and serve at the pleasure of the Governor.  
(Added by Stats. 1945, Ch. 1173.)
- Standards for fire prevention** 13143. The State Fire Marshal, with the advice of the State Fire Advisory Board, shall prepare and adopt rules and regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, sanitarium, home for aged, children's nursery, children's home or institution, school, or any similar occupancy of any capacity, and in



any theater, dance hall, skating rink, auditorium, assembly hall, meeting hall, night club, fair building, or similar place of assemblage where fifty (50) or more persons may gather together in a building, room or structure for the purpose of amusement, entertainment, instruction or education. Rules and regulations adopted pursuant to this section shall establish minimum standards relating to the means of egress and the adequacy of exits from, the installation and maintenance of fire extinguishing and fire alarm systems in, the storage and handling of combustible or explosive materials or substances, and the installation and maintenance of appliances, equipment, decorations, and furnishings that present a fire, explosion or panic hazard, and such minimum standards shall be predicated on the height and fire resistive qualities of the building or structure and the type of occupancy for which it is to be used. The rules and regulations shall apply to auxiliary or accessory buildings used or intended for use with any of the occupancies mentioned in this section. Violation of any rule or regulation shall be deemed to be in violation of this chapter.

In preparing and adopting rules and regulations affecting public schools, the State Fire Marshal shall also secure the advice of the Department of Education. No rule or regulation adopted by the State Fire Marshal shall conflict with any rule, regulation, or standard lawfully adopted by the Division of Architecture of the Department of Public Works under Article 3 of Chapter 3 of Division 9 of the Education Code.

Advice of  
Department  
of Education

Conflict

(Added by Stats. 1945, Ch. 1173; amended by Stats. 1949, Ch. 1403.)

13144. The State Fire Marshal shall prepare in book or bulletin form excerpts of the laws, rules, and regulations dealing with fire and panic safety and may make single copies of such laws, rules, and regulations available, without cost, to California fire officials and to owners and managers of establishments governed by such laws, rules, and regulations.

Fire and  
panic  
regulations

(Added by Stats. 1945, Ch. 1173; amended by Stats. 1951, Ch. 1290.)

13145. The State Fire Marshal, the chief of any city or county fire department or fire protection district and their authorized representatives may enforce in their respective areas, rules and regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

Enforcement  
of regu-  
lations

(Added by Stats. 1945, Ch. 1173.)

13146. The division of authority for enforcement of such rules and regulations shall be as follows:

Division of  
authority

(a) The chief or any city or county fire department or fire protection district, and their authorized representatives, shall have the authority to enforce the rules and regulations in their respective areas.

(b) The State Fire Marshal shall have authority to enforce the rules and regulations in areas outside of corporate cities and county fire protection districts.

(c) The State Fire Marshal shall have authority to enforce the rules and regulations in corporate cities and county fire protection districts upon request of the chief fire official or the governing body.

(Added by Stats. 1945, Ch. 1173.)

## CHAPTER 2. CLOTHES CLEANING ESTABLISHMENTS

### Article 1. Definitions

**Definitions** 13201. Unless the context otherwise requires, the definitions set forth in this article govern the construction of this chapter.

13202. "Volatile and inflammable product" and "solvent" mean any liquid, viscous, powdered, solid, or other form of product or substance having the capacity to evaporate and, during evaporation, to generate and emit a gas or vapor propagative of flame, fire, or explosion.

13203. "Volatile, commercially moisture-free solvent" means either of the following:

(a) Any commercially moisture-free liquid, volatile product or substance having the capacity to evaporate and, during evaporation, to generate and emit a gas or vapor.

(b) Any solvent commonly known to the clothes cleaning industry as a "chlorinated hydrocarbon solvent."

(Amended by Stats. 1941, Ch. 571.)

13203.1. "140-F solvent" shall mean a volatile and commercially moisture-free solvent meeting the following minimum specifications and which is listed as such by a nationally recognized laboratory:

Flash point-----Not less than 59.00 degrees Centigrade or (Tag closed tester) 138.2 degrees Fahrenheit

Initial boiling point---Not lower than 181 degrees Centigrade or 357.8 degrees Fahrenheit

Ignition temperature---Not less than 234 degrees Centigrade or 453.2 degrees Fahrenheit

Lower limit of

explosive range----Not less than 0.8 percent by volume in air at an initial temperature of 150 degrees Centigrade or 302.0 degrees Fahrenheit

(Added by Stats. 1949, Ch. 1051.)

13204. "Cleaning" and "dry-cleaning" mean the process of cleaning or renovating wearing apparel, feathers, furs, hats, fabrics, or textiles by immersion and agitation, or immersion only, in a volatile, commercially moisture-free solvent, or by the use of a volatile and inflammable product, applied either manually or by means of a mechanical appliance.

13204.1. "140-F dry cleaning process" shall mean a dry cleaning process employing a complete dry cleaning unit or units that are approved and listed for safe operation with an approved commercially moisture-free solvent having a flash point (closed cup test) of not less than 138.2 degrees Fahrenheit by a laboratory nationally recognized as properly equipped to make the designation. "140-F dry cleaning process"

(Added by Stats. 1949, Ch. 1051.)

13205. "Dyeing" means the process of coloring wearing apparel, feathers, furs, hats, fabrics, or textiles by the use of aniline dyes, mordants, acid, and steam. "Dyeing"

13206. "Clothes cleaning establishment," "cleaning and dyeing establishment," and "establishment" mean any building, room, or premises equipped to perform the service of cleaning, dry-cleaning, processes incidental to cleaning or dry-cleaning, or dyeing. Establishment

13207. "Wash room" means any building or room used for any one, or any combination, of the following purposes: "Wash room"

(a) Cleaning.

(b) Dyeing.

(c) Removing or extracting any volatile, commercially moisture-free solvent from wearing apparel, feathers, furs, hats, fabrics, or textiles that have been cleaned in such solvent.

(d) Clarifying, filtering, distilling, purifying, washing, or cleaning a volatile, commercially moisture-free solvent or volatile and inflammable product.

13208. "Dust wheel" or "tumbler" means any wheel or machinery suitable for drying, deodorizing, or removing dust or fumes from wearing apparel, feathers, furs, hats, fabrics, or textiles. "Dust wheel" or "tumbler"

13209. "Drying and deodorizing room" means any building or room containing one or more dust wheels, tumblers, or metallic drying cabinets in which wearing apparel, feathers, furs, hats, fabrics, or textiles that have been subjected to a cleaning or dyeing process are dried or deodorized. "Drying and deodorizing room"

13210. "Drying room" means any building or room containing steam pipes in which wearing apparel, feathers, furs, hats, fabrics, or textiles that have been subjected to a cleaning or dyeing process are dried. "Drying room"

13211. "Solvent treatment room" means any building or room used exclusively for clarifying, filtering, distilling, redistilling, settling, washing, or otherwise cleaning or renovating any volatile and inflammable product or volatile, commercially moisture-free solvent. Solvent treatment room"

13212. "Store room" means any building or room in which any volatile and inflammable product or solvent is kept or stored. "Store room"

13213. "Motor room" means any building or room in which a motor is installed and operated. "Motor room"



"Spotting and sponging room"

13214. "Spotting and sponging room" means any building or room used exclusively for cleaning by local application, other than by a process of scrubbing or brushing in which more than one gallon of a volatile and inflammable solvent is employed.

"Boiler room"

13215. "Boiler room" means any building or room in which is maintained, kept, or operated any appliance, machinery, or apparatus for the generation of steam or the heating of water, having a capacity of eight horsepower or more in any one unit according to the American Society of Mechanical Engineers' or other standard rating.

(Amended by Stats. 1939, Ch. 634, and by Stats. 1941, Ch. 569.)

"Hazardous room"

13216. "Hazardous room" means any of the following:

- (a) Wash room.
- (b) Drying and deodorizing room.
- (c) Drying room.
- (d) Solvent treatment room.
- (e) Store room.
- (f) Motor room.
- (g) Spotting and sponging room.

(Amended by Stats. 1949, Ch. 1051.)

"Hazardous building"

13217. "Hazardous building" means any building containing one or more hazardous rooms.

"Approved"

13218. "Approved" means approved by the State Fire Marshal.

"Operate"

13219. "Operate" and any of its variants includes "conduct" and "maintain" and any of their variants.

## Article 2. Administration

Enforcement

13250. The State Fire Marshal shall enforce and administer this chapter.

(Amended by Stats. 1949, Ch. 1051.)

Employees

13251. The State Fire Marshal shall appoint, in accordance with the State civil service laws, such employees as may be necessary and required to carry out the provisions of this chapter.

Rules and regulations

13252. The State Fire Marshal may prescribe such rules and regulations governing the construction, equipment, and operation of clothes cleaning establishments as may be necessary for the protection of life and property against fire menace, and for the promotion of the occupational security of the operators in the establishments.

"Occupational security" defined

As used in this section, "occupational security" means an operating condition which is as free as is industrially practicable from any agency that might contribute to bodily injury or impairment.

13253. The State Fire Marshal shall abate every fire nuisance in a clothes cleaning establishment pending a hearing before him thereon. The cost of an abatement is assessable against the owner of the establishment in which the nuisance abated was maintained.

Abatement  
of fire  
nuisances

As used in this section, "fire nuisance" means any thing or any act which increases, or may cause an increase of, the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire; or which may obstruct, delay, or hinder, or may become the cause of an obstruction, a delay, or a hindrance to, the prevention, suppression, or extinguishment of fire.

"Fire  
nuisance"  
defined

13254. For the purpose of enforcing this chapter, the State Fire Marshal or his representatives may enter and inspect any clothes cleaning establishment during customary business hours, or at any time when the establishment is in operation. The owner, lessee, manager, or operator of the establishment shall permit the State Fire Marshal or his representatives to enter and inspect it at the times and for the purpose stated in this section.

Inspection

### Article 3. Permits

(Heading amended by Stats. 1949, Ch. 1051)

13300. Unless he has made application to and obtained a permit therefor from the State Fire Marshal, no person shall do any of the following:

Permit  
required

- (a) Establish or operate a clothes cleaning establishment.
- (b) Alter or reconstruct any building, machinery, equipment, or apparatus in an existing clothes cleaning establishment.

(c) Cleanse wearing apparel, feathers, furs, hats, fabrics, or textiles by means of a cleaning process.

(d) Keep or store any volatile and inflammable product in any building or room in which a cleaning process is performed.

(Amended by Stats. 1949, Ch. 1051.)

13301. An application for a permit shall be made at the office of the State Fire Marshal.

Application

(Amended by Stats. 1949, Ch. 1051.)

13302. Every person who applies for a permit to establish or operate a clothes cleaning establishment, or for a permit to alter or reconstruct an existing clothes cleaning establishment, in which will be or is used a volatile, commercially moisture-free solvent of the petroleum or coal tar distillate type, shall submit for approval a blueprint in quadruplicate to the State Fire Marshal at the time of application.

Blueprint:  
Where  
petroleum  
or coal tar  
distillate  
used

(Amended by Stats. 1949, Ch. 1051.)

Contents of  
blueprint

13303. The blueprint, which shall not be greater than 24 by 42 inches in size, shall show a plot plan, made to a scale of one-eighth of an inch to one foot, indicating:

(a) The boundary lines and dimensions of the property devoted or to be devoted to the establishment.

(b) Each street, alley, or easement adjacent to the property, together with its name and width.

(c) The position of each existing or proposed building or structure on the property in relation to the lines of each adjacent street, alley, or easement, with all dimensions indicated.

(d) The materials used or to be used in the construction of each existing or proposed building on the property, and used in the construction of each existing building on adjacent property.

(e) The wall sections and openings in each existing or proposed building on the property, and in each existing building on adjacent property.

(f) The location, size, and materials used or to be used in the construction of the boiler room, and the type and horsepower of the boiler.

Same

13304. The blueprint shall also show a three-eighths or one-half inch scale detail plan of each hazardous building and room, indicating:

(a) All major dimensions, including heights.

(b) The sections and materials used in the construction of each wall, partition, roof, and floor.

(c) The location and size of each door, window, and skylight opening.

(d) The location of each wall vent and riser duct, and the arrangement of the ventilating system.

(e) The run of all steam or other fixed fire extinguishing equipment, including the location of each outlet and control valve.

(f) The arrangement of each operating apparatus and appliance, and the location of each motor.

Blueprint:  
Where  
chlorinated  
hydrocarbon  
used

13305. Every person who applies for a permit to establish or operate a clothes cleaning establishment, or for a permit to alter or reconstruct an existing clothes cleaning establishment, in which will be or is employed a volatile, commercially moisture-free solvent of the chlorinated hydrocarbon type, shall submit for approval a blueprint in quadruplicate to the State Fire Marshal at the time of application.

(Amended by Stats. 1949, Ch. 1051.)

Contents of  
blueprint

13306. The blueprint, which shall not be greater than 24 by 42 inches in size, shall show:

(a) A plot plan, made to a scale of not less than one-sixteenth of an inch to one foot, indicating any room or compartment to be used for cleaning, drying, and deodorizing in its relation to the boundary lines of the property on which the



establishment is located, and its situation within any structure on the property.

(b) A three-eighths or one-half inch scale drawing of the room or compartment, indicating its plan, elevations, and detail of construction.

13307. An agent who has been authorized in writing for the purpose may submit a blueprint in behalf of any person of whom it is required. In such case, the agent shall file his written authorization at the same time. Submission  
by agent

13308. No permit shall be granted to any person unless the arrangement, materials, and construction shown on any blueprint required of, and submitted by, him have been approved by the State Fire Marshal. Approval

(Amended by Stats. 1949, Ch. 1051.)

13309. The approval of any blueprint shall become automatically null and void if any construction it authorizes is commenced subsequent to the expiration of 60 days from and after the date on which it is given, except when competent reasons for delaying the construction are presented to the State Fire Marshal in writing within that period. When ap-  
proval void

13310. No person shall make any change in the execution of an approved blueprint design without the approval of the State Fire Marshal. Change in  
execution

13311. Before he grants any certificate of completion, the State Fire Marshal shall make a thorough investigation into the fitness of the applicant to conduct a clothes cleaning establishment. Investigation

(Amended by Stats. 1949, Ch. 1051.)

13312. The State Fire Marshal may refuse to grant a certificate of completion for any of the following causes: Refusal of  
license

(a) If any blueprint required of the applicant does not comply with the provisions of this article.

(b) If his investigation reveals that the building, room, or premises in or upon which the applicant proposes to operate a clothes cleaning establishment, the character of the applicant, or the applicant's ability to operate a clothes cleaning establishment, does not comply with the provisions of this chapter, or is such as will jeopardize, or will render the proposed establishment a menace to, the public welfare or safety.

(Amended by Stats. 1949, Ch. 1051.)

13313. (Repealed by Stats. 1945, Ch. 1517.)

13314. (Amended by Stats. 1941, Ch. 570; repealed by Stats. 1945, Ch. 1517.)

13314.5. (Added by Stats. 1941, Ch. 570; repealed by Stats. 1945, Ch. 1517.)

13315. (Repealed by Stats. 1945, Ch. 1517.)

13316. (Amended by Stats. 1945, Ch. 1173; repealed by Stats. 1945, Ch. 1517.)

13317. (Repealed by Stats. 1945, Ch. 1517.)

13318. (Repealed by Stats. 1945, Ch. 1517.)

13319. (Repealed by Stats. 1945, Ch. 1517.)

13320. (Amended by Stats. 1945, Ch. 880; repealed by Stats. 1945, Ch. 1517.)

13321. (Repealed by Stats. 1945, Ch. 880 and Ch. 1517.)

13322. (Repealed by Stats. 1945, Ch. 880 and Ch. 1517.)

13323. (Repealed by Stats. 1945, Ch. 880 and Ch. 1517.)

13324. (Repealed by Stats. 1945, Ch. 880 and Ch. 1517.)

#### Article 4. Buildings, Equipment, and Operation

Hazardous  
buildings

13350. No person shall establish or operate a clothes cleaning establishment, except one in which is used exclusively in the process of cleaning or dyeing a product designated as non-combustible and nonexplosive by a laboratory nationally recognized as properly equipped to make the designation, unless all the processes of cleaning, dyeing, renovating, drying, deodorizing, and solvent storage, and treatment are carried on in a hazardous building located, constructed, equipped, and maintained pursuant to this article. Provided, however, that dry cleaning machinery approved and listed by a laboratory nationally recognized as properly equipped to make the designation, and utilizing an approved solvent with a flash point of not less than 138.2 degrees F., may be installed in accordance with the provisions of Article 5 when the total capacity of above-ground inside solvent storage tanks, including solvent treatment tanks, does not exceed five hundred fifty gallons, the individual capacity of any one such container does not exceed two hundred seventy-five gallons, and the total operating solvent capacity of the system, excluding storage tanks, does not exceed five hundred fifty gallons. Where storage capacity, in excess of the above quantity is desired, that in excess of five hundred fifty gallons shall be in containers approved by the Fire Marshal, installed underground or in enclosures or casing approved by the Fire Marshal.

(Amended by Stats. 1941, Ch. 320, and by Stats. 1949, Ch. 1051.)

Rooms

13351. A hazardous building may contain any combination of hazardous rooms.

Location

13352. Unless otherwise provided in this article, no hazardous building shall be located less than 12 feet from any boundary line of, or any other building or structure on, the lot or premises upon which it is constructed, except that the wall of a hazardous building having no door or window openings therein shall be located not less than four feet from any boundary line of, or any other building or structure on, the lot or premises.

(Amended by Stats. 1945, Ch. 958.)

Exception

13353. A hazardous building may be located less than 12 feet from any boundary line of, or any other building or structure on, the lot or premises of any establishment which was in existence prior to August 2, 1927, if the establishment meets, or is made to meet, the requirements of this chapter.

13354. Where a boundary line is identical with a line of Same a street, alley, or irrevocable easement which is less than 12 feet in width, a hazardous building may be located nearer than 12 feet from that line, but not nearer than 12 feet from the opposite or remote line of the street, alley, or irrevocable easement.

13355. Where a boundary line is identical with a line of a Same street, alley, or irrevocable easement which is 12 feet or more in width, a hazardous building may be located on that line.

13356. In the case of a clothes cleaning establishment in Same existence and operated prior to August 27, 1937, distilling apparatus having a capacity of not more than 300 gallons per hour may be installed and housed in an approved location and manner within a building or room which is nearer than 12 feet from any boundary line or from any other building or structure, but which in other respects complies with the provisions of this article relative to the construction and equipment of hazardous buildings.

13357. A hazardous building shall be constructed in accordance with the best practice. An observance of the following requirements shall be considered prima facie evidence of compliance with the best practice: Construction: Compliance with best practice

(a) The requirements as to structural design, materials, and workmanship in the latest amended form of the uniform building code prepared by the Pacific Coast Building Officials Conference.

(b) The requirements of this article as to design, structural or other detail, or employment of materials, if such requirements vary from and are more rigid than those of the uniform building code.

(c) The requirements of any State law or regulation, or of any building code or ordinance of a municipality or other political division in which the building is to be located, if such requirements are more rigid than those of this article or of the uniform building code.

13358. A hazardous building shall not exceed one story in height, unless it was in existence and in operative use prior to August 2, 1927, and has been in continuous operative use since that date, in which case it shall be made to conform with the requirements of this article in so far as is physically possible. Building height

13359. No room in a hazardous building shall be less than 10 feet in height from the floor level to the under side of the lowest point of the roof slab, unless: Room height

(a) The building was in existence and in operative use prior to August 2, 1927, and has been in continuous operative use since that date.

(b) The building was constructed since August 2, 1927, in accordance with a design approved prior to December 1, 1928.



**Foundations** 13360. The foundations of a hazardous building shall not have a batter of less than 60 degrees from a horizontal plane, unless constructed of concrete with adequate metallic reinforcement.

**Floors** 13361. The floors of a hazardous building shall be constructed of concrete not less than four inches thick with a troweled, cement-top finish. They shall be laid directly upon the earth at an elevation at or above the adjacent ground level. There shall not be any basement or other open space under them, except that a floor drain, or a muck pit having an area of not more than four square feet and constructed in accordance with plans on file in the office of the State Fire Marshal may be installed in the floor of a muck room, still room, or wash room.

(Amended by Stats. 1939, Ch. 634, and by Stats. 1945, Ch. 958.)

**Walls:  
Exterior and  
bearing** 13362. The exterior and bearing walls of a hazardous building shall be constructed of brick not less than 12 inches thick, or of reinforced concrete not less than eight inches thick. Piers or columns shall be provided at concentrated loads or other points of structural necessity.

**Exception** This section does not apply to the exterior and bearing walls of a hazardous building which was in existence and in operative use prior to August 2, 1927, and which has been in continuous operative use since that date, if the walls are constructed of concrete, concrete brick, burned clay brick, burned clay hollow tile, or concrete hollow tile, not less than eight inches thick, or reinforced concrete not less than six inches thick, and are approved as to location and condition.

**Additions or  
extensions** 13363. Any addition to or extension of an existing and approved exterior or bearing wall shall be thoroughly bonded to the wall, and shall be constructed of the materials and conform to the sections required in the construction of exterior or bearing walls of new buildings.

**Interior  
division** 13364. Interior division walls, other than bearing walls, separating hazardous rooms shall be constructed of brick not less than eight inches thick, or of reinforced concrete not less than six inches thick.

**Exception** This section shall not apply to the interior division walls of a hazardous building which was in existence and in operative use prior to August 2, 1927, and which has been in continuous operative use since that date, if the walls are constructed of concrete, concrete brick, burned clay brick, burned clay hollow tile, or concrete hollow tile, not less than six inches thick, and are approved as to location and condition.

**Additions or  
extensions** 13365. Any addition to or extension of an existing and approved interior division wall shall be thoroughly bonded to the wall, and shall be constructed of the materials required in the construction of interior division walls of new buildings.

**Wall height** 13366. Interior division walls separating hazardous rooms, and all partitions in a hazardous building, shall extend from the floor level to the under side of the roof construction.

13367. Partitions or other similar interior construction in **Partitions**  
a hazardous building shall be constructed entirely of incom-  
bustible materials which shall be installed in an approved  
manner.

13368. The roof of a hazardous building shall be of a flat **Roof**  
type, and of reinforced concrete designed for a live load of 30  
pounds per square foot of horizontal projection.

Every steel girder or beam, and all reinforcing steel in  
concrete girder, beam, or slab, used in connection with the roof  
shall be protected with concrete.

There shall be no concealed roof space.

The bottom of a roof slab shall form the ceiling of the room  
over which the slab is placed.

This section does not apply to the roof of a hazardous build-  
ing which was in existence and in operative use prior to August  
27, 1937, if the roof is of one-hour fire-resistant construction  
and complies with the provisions of Section 13357 of this  
chapter.

(Amended by Stats. 1949, Ch. 578.)

13369. The roofing of a hazardous building may be com- **Roofing**  
posed of either of the following combinations of material:

(a) Asphalt and asphalt-saturated rag felt, with the  
exposed surface protected with roofing gravel.

(b) Asphalt and asphalt-saturated asbestos.

All roofing shall be applied in a workmanlike manner.

13370. Except for openings for doors, windows, and vents **Openings**  
having approved fire protection, and for vent ducts, piping, and  
shafting in an exterior wall, an interior division wall, or a par-  
tition, there shall be no opening in any exterior wall of a hazard-  
ous building, nor in any interior division wall or partition  
separating hazardous rooms.

The clearance at a permissible opening shall not exceed one-  
quarter of an inch.

(Amended by Stats. 1949, Ch. 1051.)

13371. Every door opening in a hazardous building shall **Door opening**  
be at least three feet in width. It shall lead directly to an  
area open to the sky, which shall afford a continuous,  
unobstructed means of safe egress from the building. An  
awning or roof of an approved design may be installed over  
this area. Any existing awning or roof which does not meet  
with the approval of the State Fire Marshal shall be removed,  
remodeled, reconditioned, or relocated.

(Amended by Stats. 1939, Ch. 634.)

13372. A fire door protecting an exterior opening in a haz- **Fire doors:**  
ardous building may be either sliding, hinged, or rolling, and **Character**  
shall be constructed and hung in accordance with the best  
practice. An observance of the latest amended form of the  
regulations of the National Board of Fire Underwriters and  
of the supplementary regulations of the Board of Fire Under-  
writers of the Pacific shall be considered prima facie evidence  
of compliance with the best practice.

Every fire door shall be so arranged that it can be opened readily from either side.

**Lock** 13373. Every door locking device installed for a fire door shall be of a kind that can be operated from the exterior side of the door.

**Links** 13374. A standard-sized sliding fire door shall have at least three fusible links. A hinged, rolling, or oversized fire door shall have more than three fusible links.

**Wash room doors** 13375. Every wash room shall have at least two doors, which shall be located as far from each other as is practicably possible.

**Window openings** 13376. Every window opening in a hazardous building shall be fitted with approved solid-steel sash, and with one-quarter inch wire glass, which shall be back puttied and held in place with metallic glazing strips.

Every ventilator in the sash shall be pivoted to insure automatic closing, and shall be controlled by a fusible link.

**Skylights** 13377. Hinged skylights of an approved character shall be placed in the roof of each hazardous room having an aggregate door area of less than one-eighth of the floor area of such room. Where skylights are required the aggregate area of the door and skylight openings shall be equal to at least one-eighth of the floor area of the room, and shall be constructed with galvanized iron frames and sash of not less than No. 24 U. S. standard gauge. The skylights shall be so arranged that they will open under pressure in case of an explosion and will close automatically thereafter.

A hazardous building in existence and in operative use prior to April 23, 1929, and which has been in continuous operative use since that date, shall have its use continue without having such hinged skylights installed in the room thereof.

(Amended by Stats. 1945, Ch. 958, and by Stats. 1949, Ch. 1051.)

13378. (Repealed by Stats. 1945, Ch. 958.)

**Fan exhaust system** 13379. A power-driven fan exhaust system of ventilation shall be installed for every hazardous building. It shall be designed and operated to produce a complete change of air in each room of the building once every three minutes, and shall be operated continuously while any part of the building is in operation.

The riser, branch, and main ducts of the system shall be constructed of galvanized iron of not less than No. 24 U. S. Standard gauge, but the lower three feet of each vertical riser duct shall be fabricated and installed in accordance with the approved standard detail on file in the office of the State Fire Marshal. The discharge outlet shall be located at a height of not less than one foot above the highest part of the building.

**Heating devices** 13380. Hot water or steam heating devices only may be installed or used in a hazardous building for heating purposes.

**Lighting** 13381. No artificial light, except that produced by electricity, nor any open light, flame, or fire, shall be installed or used in a hazardous building.



13382. Every electrical conduit, fitting, or fixture in a hazardous building shall be of an explosion-proof type. Fixtures

13383. Unless it is of an approved, explosion-proof type, no electrical switch, appliance, or motor shall be placed in a hazardous room. Motors

13384. Every machine, appliance, or shaft in a hazardous building shall be grounded to a live water line with No. 10 gauge wire, run in rigid metallic conduit with approved connections. Grounding

13385. Every electrical conduit, switch, fitting, fixture, or appliance, and every motor, machine, or shaft in a hazardous building shall be installed in accordance with the best practice. Installation of fixtures, etc.

An observance of the latest amended form of the National Electrical Code shall be considered prima facie evidence of compliance with the best practice.

13386. No machine, apparatus, appliance, or device shall be used in a clothes cleaning establishment, unless its operation, structural integrity, condition, and placement have been approved by the State Fire Marshal. Any present installation not meeting with the approval of the State Fire Marshal as to type, construction, condition, or placement, shall be immediately removed, remodeled, reconditioned, or relocated. Approval of machinery

13387. Every circulation area for the use of an operator of any machine, apparatus, appliance, or device shall be at least three feet in width. However, a single tumbler or dust wheel may be installed in a room having an alined dimension three feet greater than the overall length of the tumbler or dust wheel. Area for use of machine operator

13388. No boiler or steam generator shall be installed or used in connection with a clothes cleaning establishment unless it is installed and housed in conformity with the following: Boiler room construction

(a) No boiler or steam generator of any horsepower, nor the boiler room in which it is housed, shall be placed or located within 12 feet from any hazardous building. The fire box or burner of such boilers shall not be less than 20 feet from the closest opening into the hazardous building.

(b) Every boiler used in connection with a clothes cleaning establishment shall be mounted on a suitable masonry base.

(Amended by Stats. 1941, Ch. 569, and by Stats. 1945, Ch. 958.)

13389. Every clothes cleaning establishment shall be equipped with a fire extinguishing system of one of the following types: Fire extinguishing system

- (a) A steam fire extinguishing system.
- (b) An approved carbon dioxide fire extinguishing system.
- (c) Any other system meeting with the approval of the State Fire Marshal.

13390. Every clothes cleaning establishment with a steam fire extinguishing system shall be equipped with a steam boiler having a capacity of not less than one horsepower, according to the American Society of Mechanical Engineers or other standard rating, for each 200 cubic feet, or fraction thereof, of Boiler

the cubic content of the largest hazardous room in the establishment.

(Amended by Stats. 1949, Ch. 1051.)

**Boiler steam pressure** 13391. A steam pressure of not less than 50 pounds per square inch shall be maintained in the boiler while operations are being carried on in any hazardous room of the establishment.

**Steam lines** 13392. There shall be installed:

(a) A steam line with an internal diameter of not less than one and one-quarter inches, leading from the boiler to the hazardous building.

(b) In each hazardous room a dry steam line with an internal diameter of not less than one inch, and with not less than one approved open nozzle for each 500 cubic feet, or fraction thereof, of the cubic content of the room.

(Amended by Stats. 1949, Ch. 1051.)

**Control of steam release** 13393. The release of steam from the steam fire protection system shall be controlled by approved quick-acting valves, installed in approved locations outside the hazardous building.

(Amended by Stats. 1939, Ch. 634.)

**Fire extinguishers** 13394. Approved chemical fire extinguishers shall be installed in every clothes cleaning establishment, in locations designated by the State Fire Marshal. They shall be discharged and recharged at least once every 12 months, and the date on which they are discharged and recharged shall be recorded on cards attached to them.

13395. (Repealed by Stats. 1945, Ch. 958.)

**"No smoking" sign** 13396. Approved metallic "No Smoking" signs shall be installed in every hazardous building and in every area used for spotting and sponging in a clothes cleaning establishment, at locations designated by the State Fire Marshal.

**Storage of solvent** 13397. No person shall store, keep, or use any volatile and inflammable product in or upon the premises of a clothes cleaning establishment, unless all tanks or other containers, the system for the circulation and use of solvent, and all pumps, piping, fittings, sight glasses, valves, traps, and emergency dump or other devices employed in connection with the storage, circulation, or use are approved by the State Fire Marshal.

**Flash point of solvent** 13397.1. No solvent having a flash point less than 100 degrees F., closed cup test, shall be used in an immersion process of dry cleaning.

No solvent having a flash point below 138.2 degrees F., closed cup test, shall be used in any "140-F dry cleaning process" and no solvent other than one which is designated as nonflammable and nonexplosive by a laboratory nationally recognized as properly equipped to make the designation, shall be used in any cleaning process of the chlorinated hydrocarbon type. The provisions of this section shall not apply to soaps and detergents of a type approved for use in the various cleaning

**Inapplicability of section**

processes by the State Fire Marshal nor to spotting agents applied by local application.

(Added by Stats. 1947, Ch. 291; amended by Stats. 1949, Ch. 1051.)

13398. In any clothes cleaning establishment in which more than one gallon of a volatile, commercially moisture-free solvent of the chlorinated hydrocarbon type is used for dry-cleaning, the performance of all the dry-cleaning, drying, and deodorizing processes may be completed entirely within fluid-tight machines or apparatus vented to the open air at a point not less than eight feet from any window or other opening and so used and operated as to prevent the escape of fumes, gases or vapors into workrooms or work places.

Dry-cleaning and deodorizing in fluid-tight machines

13399. Except when operations are performed as provided in Section 13398 of this code, no person shall operate a clothes cleaning establishment in which more than one gallon of a volatile, commercially moisture-free solvent of the chlorinated hydrocarbon type is used for dry-cleaning unless:

Dry-cleaning and deodorizing in single room

(a) All the dry-cleaning, drying, and deodorizing processes are performed in a single room or compartment.

(b) The dry-cleaning process is performed in fluid-tight machines or apparatus.

13400. The room or compartment shall be completely inclosed except for necessary door and window openings to enable operators to carry on operations within, but without entering, the room or compartment. The doors shall be self-closing and shall not be left open.

Construction of room or compartment

13401. The room or compartment shall be equipped with an approved system of mechanical ventilation that will completely change the air content at least once every two minutes while:

Ventilation

(a) A dry-cleaning, drying, or deodorizing process is being performed.

(b) A solvent is exposed to the air in the room or compartment.

(c) Alterations, adjustments, or repairs are being made in the room or compartment.

The air shall be taken out of the room or compartment at the floor line, and shall be discharged to the open air at a point not less than eight feet from any window or other opening.

13402. No employee shall be permitted to enter the room or compartment except for the purpose of making necessary repairs, alterations, or adjustments.

Entry

13403. Approved processes of wet-washing are permitted in a hazardous building.

Wet-washing

(Amended by Stats. 1939, Ch. 634.)

13404. The owner, operator, or manager of a clothes cleaning establishment shall make a detailed report to the State Fire Marshal of every fire or explosion which occurs in or upon the premises of the establishment within 24 hours after the fire or explosion, on forms provided for that purpose.

Reports of fires or explosions



## Article 5. 140-F Dry Cleaning Processes

(Article 5 added by Stats. 1949, Ch. 1051)

Approved  
units

13425. All processes of cleaning, washing, extracting, dry cleaning and deodorizing incident to dry cleaning, and all processes incident to solvent storage, circulation, distillation, purification, rectification, recovery or treatment by a 140-F dry cleaning process as defined herein shall be conducted and carried on in a complete dry cleaning unit or units which are approved and listed for safe operation with commercially moisture-free solvent having a flash point (closed cup test) of not less than 138.2 degrees F. by a laboratory nationally recognized as properly equipped to make the designation.

Authorized  
installation

(a) The State Fire Marshal may authorize the installation on such approved dry cleaning machinery of any appliance or device that has been submitted to and is approved by him.

(Added by Stats. 1949, Ch. 1051.)

Machinery  
standards

13426. The location, installation, and operation of all machinery, appliances, and fittings shall be subject to approval of the State Fire Marshal. All such machinery, appliances, and fittings shall conform to the minimum requirements as follows:

Systems  
or units

(a) Systems or Units. All systems or units shall be designed to form a complete dry cleaning system in which all of the processes of washing, extracting, drying, deodorizing and those of solvent treatment and recovery may be completed in an approved manner, and shall consist of one or more washers, extractors, drying and deodorizing units, solvent circulating pumps, solvent circulating piping, solvent storage tanks, and solvent stills or clarifiers, all of which are so assembled as to form a complete dry cleaning system.

Washers

(b) Washers. The outer shell shall be of metal, substantially constructed. The loading door opening shall be equipped with a close-fitting door so designed as to prevent solvent leaks due to splash. Cylinder bearings shall be of a type that will prohibit leaking around the cylinder trunnion shaft. The outer shell shall be equipped with tight-fitting inlet line and a solvent outlet line. There shall be an overflow line one pipe-size larger than the inlet line located below the lower bearing level to prohibit solvent from rising above that point or be equipped with an automatic solvent level control device.

The inner cylinder of the washer may be of either wood or metal. All metal parts on wooden cylinders shall be bonded together with not less than No. 10 copper wire or grounding strap of equal cross-sectional area and attached to the trunnion shaft on the end of the cylinder. The trunnion shaft shall be effectively grounded to the frame by means of an approved brush, wiping contact, or other device.

Trap

(c) Trap. Each washer shall be provided with a substantially constructed button trap of bearing height or so designed that it will not overflow, to prohibit foreign matter from entering tanks or pumps. Button traps shall be equipped with suitable lids, kept normally closed.

(d) Pumps. Solvent pumps shall be designed to prevent leaking of solvent. All pumps except vacuum pumps from solvent condensers shall be equipped with a pressure release device to prohibit pressures in excess of fifty pounds per square inch. Pumps

(e) Pressure Filters. Pressure filters shall be of rigid construction. The side wall and head shall be of not less than No. 14 gauge steel. The cover shall be so designed and equipped with gaskets in order to prevent leaking. Pressure filters

(f) Solvent Storage Tanks. Aboveground solvent storage and treatment tanks shall have a capacity of not more than two hundred seventy-five gallons each. The shell and bottom shall be of not less than No. 12 gauge steel, and all seams and flanges shall be welded. Each tank shall be liquid tight and shall be rigidly supported. Tanks shall be equipped with one and one-fourth inch ( $1\frac{1}{4}$ " ) vents extending to an approved location outside of the building. Storage tanks

The underground storage of solvent shall be in accordance with the rules and regulations established under the provisions of Section 13252 of this chapter.

(g) Extractors. Extractors shall be designed and constructed so as to withstand vibration and shall be rigidly secured to the floor. The basket walls or running ring shall be nonferrous metal and shall be well balanced. They shall be equipped with covers to prevent solvent from being sprayed out. The covers shall be equipped with an automatic control which will prohibit operating the extractor while the cover is open and will prohibit opening the cover while the basket is rotating. A check valve shall be installed in the extractor drain line where necessary to prevent solvent from backing up into the extractor. Aboveground tanks into which the extractor drains shall be equipped with a visible liquid level gauging device. The extractor basket shaft shall be grounded to the frame by means of a brush contact or some other approved method. Extractors

(h) Stills. All distilling apparatus shall be of the vacuum type. The still case shall be of not less than three-sixteenths inch ( $3/16$ " ) steel plate and all joints and seams shall be of welded construction. The liquid in the still shall be maintained by a constant level valve. A visible thermometer, a compound pressure and vacuum gauge, and a controlled steam valve shall be provided for each still. Stills shall not be heated by any other medium than steam or hot water. Sight glasses on stills shall be well guarded and equipped with ball check or other approved device to prevent leakage of solvent if glass breaks. Stills

(i) Sight Glasses. Sight glasses used on all storage containers and stills shall be of pyrex glass. They shall be well protected from mechanical injury by means of guards. Sight glasses

(j) Electrical Equipment. Installation of all electric motors, fittings, and wiring shall meet the requirements of the State Electrical Safety Orders and local electrical ordinances. They need not be of explosion-proof type. Electrical equipment

## Tumblers

(k) Tumblers. Tumblers used in connection with a 140-F dry cleaning process as defined herein shall bear the label of approval for safe use with a solvent having a flash point of not less than 138.2 degrees Fahrenheit by a laboratory nationally recognized as adequately staffed and equipped to approve and list such devices with respect to fire or other hazards.

The design and construction of tumblers shall be such that under operating conditions the loading door cannot be opened unless the fan is in operation and the cylinder is at rest.

The exhaust fan spider, blades or running rings shall be constructed of nonferrous metal. The fan shall be designed and operated so as to maintain the vapor concentration in the tumbler cylinder at a point below 0.75 percent by volume in air at an initial temperature of 302.0 degrees Fahrenheit. Tumblers shall be designed and constructed to effect an air change equivalent to 50 times the volume of the tumbler cylinder per minute, measured at the air inlet, and under actual operating conditions.

The exhaust duct shall be carried directly to and above the roof or outside of building without unnecessary elbows or turns. All necessary turns in exhaust duct shall have a radius of not less than one and one-half times the diameter of the duct. Exhaust ducts shall be provided with an approved type water lint trap.

Where steam coil areas are such as to permit the generation of temperatures in excess of 250 degrees Fahrenheit within the tumbler cylinder, a thermostatically controlled heat regulating device shall be installed inside of the shell of the tumbler. The device shall be set to automatically shut off the steam line entering the tumbler coils when the temperatures, at the point where hot air enters the cylinder, exceed 250 degrees Fahrenheit.

The tumbler shall also be equipped with an automatic device which will inject live steam into the tumbler if power to the exhaust fan is interrupted while the temperature inside the tumbler is above 155 degrees Fahrenheit.

The tumbler cylinder shall be effectively grounded to the frame of the tumbler.

Drying  
cabinets

(l) Drying Cabinets. Drying cabinets used in connection with a 140-F dry cleaning process as defined herein shall bear the label of approval for safe use with a solvent having a flash point of 138.2 degrees Fahrenheit by a laboratory nationally recognized as adequately staffed and equipped to approve and list such devices with respect to fire or other hazards.

The doors of the cabinet shall be of a self-closing type that will automatically close if blown open by an explosion.

Drying cabinets shall have a three-eighths inch ( $\frac{3}{8}$ " ) or larger steam jet inside of the cabinet to smother any fire occurring therein. The valve to the steam jet shall be equipped with a manually operated control and an automatic device that will inject steam into the cabinet if the fan is stopped while the temperature in the cabinet is above 135 degrees Fahrenheit. Valves which will permit shutting off of steam to fire steam jet shall not be permitted.



The cabinet shall be of sturdy well braced metal construction.

The cabinet shall be equipped with an exhaust fan designed and operated so as to maintain the vapor concentration in the cabinet at a point below 0.75 percent by volume in air at an initial temperature of 302.0 degrees Fahrenheit. The volume of air change from the cabinet shall not be less than 10 changes per minute. Drying cabinets shall not be heated with any other medium than steam. The heating coils shall be designed and equipped so that when fan is operating and steam supply to coil is full open, the temperature in the center of the cabinet will not exceed 200 degrees Fahrenheit.

The fan impeller blades and running rings shall be of non-ferrous metal. The exhaust duct shall extend to an approved location outside of the building.

Drying cabinets shall be effectively grounded.

(Added by Stats. 1949, Ch. 1051.)

13427. Every tumbler, washer, extractor, pump, line shaft, solvent container, still, or other piece of equipment used in connection with a 140-F dry cleaning process as defined herein, shall be grounded to a cold water line by means of not less than No. 10 copper wire or approved ground strap. All wiring or conductors between cold water pipes and machines that are more than twelve inches (12") in length shall be placed in rigidly supported conduit. Approved type grounding clamps shall be used where ground conductors attach to cold water lines.

Grounding

(Added by Stats. 1949, Ch. 1051.)

13428. A minimum of thirty-six inches (36") of operating clearance shall be maintained for operation of all machines. Areaway and exit passages shall be not less than thirty-six inches (36") clear width. Machinery and equipment shall be located not less than eighteen inches (18") from any wall.

Operating clearance

(Added by Stats. 1949, Ch. 1051.)

13429. The dry cleaning unit and all equipment used in the 140-F dry cleaning process of washing, extracting, drying, deodorizing and those of solvent treatment and clarification shall be contained within a complete enclosure constructed, equipped, and maintained in accordance with the following:

Unit used in 140-F process

(a) Walls. Enclosure walls shall be capable of providing one-hour's resistance against fire. They shall be constructed of materials which will afford a fire-resistance equal to metal lath and plaster on both sides of wood studding. Existing walls of one-hour fire-resistant material may be utilized as enclosure walls.

Walls

Walls or parts of walls of detached buildings designed and constructed for housing such machinery after August 13, 1945, which are less than five feet (5') from adjacent property lines, shall have no openings therein and shall be of not less than four-hour fire-resistant construction.

(b) Ceiling or Roof. The enclosure ceiling or roof shall be of at least one-hour's fire resistance.

Ceiling or roof

(c) Floor. The entire area occupied by the cleaning equipment shall have a trowel finished concrete floor surface not less

Floor

than two inches (2") thick or some other approved incombustible material having one-hour fire-resistive rating.

Door  
openings

(d) Door and Window Openings. Door openings shall be protected by metal or metal clad doors having a fire resistive rating of one hour. Doors shall be hung on approved hardware and equipped with a three fusible link automatic closing device.

Window  
openings

Window openings shall be protected with metal sash and wired glass. If windows are designed to be opened, they shall be equipped with a fusible link automatic closing device.

Container  
capacity

(e) When the aggregate capacity of the aboveground storage, clarification, and treatment containers exceeds five hundred fifty gallons, or the individual capacity of any one such container exceeds two hundred seventy-five gallons, or the operating solvent capacity of the system—excluding storage tanks—exceeds five hundred fifty gallons, the entire 140-F dry cleaning process shall be housed in a hazardous building located, constructed, equipped, and maintained in accordance with the provisions of Article 4 of this chapter.

(Added by Stats. 1949, Ch. 1051.)

Boilers

13430. Every boiler or steam generator shall be mounted on a suitable masonry base. The firebox or burner of such boiler shall be not less than ten feet (10') from the nearest opening in the enclosure around the unit.

(Added by Stats. 1949, Ch. 1051.)

Fire extin-  
guishing  
system

13431. Every 140-F dry cleaning unit enclosure shall be equipped with an approved fire extinguishing system in accordance with the provisions of Sections 13389, 13390, 13391, 13392, and 13393 of this chapter.

(Added by Stats. 1949, Ch. 1051.)

Ventilating  
system

13432. Every 140-F dry cleaning process enclosure shall be equipped with an approved ventilating system designed, constructed, equipped and operated in accordance with Section 13379 of this chapter.

(Added by Stats. 1949, Ch. 1051.)

Installation

13433. The installation of all heating and lighting equipment in connection with a 140-F dry cleaning process shall conform to Sections 13380 and 13381 of this chapter.

(Added by Stats. 1949, Ch. 1051.)

Signs

13434. "Fire extinguisher" and "no smoking" signs shall be provided in accordance with Sections 13394 and 13396 of this chapter.

(Added by Stats. 1949, Ch. 1051.)

Installation  
in dwellings,  
etc.

13435. No immersion dry cleaning process employing a volatile and inflammable liquid, as defined herein, shall be installed or operated in a building occupied in whole or in part as a dwelling, apartment house, hotel, restaurant, or place of public assemblage unless separated therefrom by a four-hour fire-resistive separation without openings therein.

Waiver

The requirements of this section for construction cut-offs may be waived at the discretion of the fire marshal, based upon a consideration of such factors as type of building construction,

nature of occupancy, storage and operating capacity of the system, and extent of fire protection provided.

(Added by Stats. 1949, Ch. 1051.)

13436. All machinery, equipment, fire extinguishing systems, grounding devices, housings, enclosures, and ventilating systems shall be maintained in strict accordance with the provisions of this chapter. Strict compliance with provisions

(a) Solvent leaks from machines, containers, and packing glands shall be immediately repaired.

(b) Lint and grease shall not be allowed to accumulate inside a unit enclosure.

(c) All automatic devices required by the provisions of this chapter shall be maintained in good operative condition at all times.

(d) When it is deemed impossible or impractical to comply in full with the letter of the requirements of this chapter, or when new or other materials, methods or processes are developed, a written application for variance or modification may be submitted to the State Fire Marshal. An application for variance or modification shall include a complete statement of the conditions and reasons therefor, and any plans, reports, data and information in support thereof. The State Fire Marshal may, upon such conditions as he may specify, grant a variance or modification. Application for variance

(Added by Stats. 1949, Ch. 1051.)

## Article 6. Violations

(Heading amended and renumbered by Stats. 1949, Ch. 1051)

13450. Any person who commits any of the following acts is guilty of a misdemeanor: Violations

(a) Violates any provisions of this chapter.

(b) Violates or fails to comply with any order, rule, or regulation made pursuant to this chapter.

(c) Constructs a clothes cleaning establishment in violation of a blueprint or statement submitted to and approved by the State Fire Marshal.

(d) Violates the terms of any permit issued pursuant to this chapter.

(e) Constructs a clothes cleaning establishment or a 140-F dry cleaning establishment, or installs equipment or machinery therein, in violation of the provisions of this chapter or of any rule or regulation made pursuant thereto, whether for himself or for another party.

Any person who commits more than one of the acts specified in this section is guilty of a separate misdemeanor for each such commission.

(Amended by Stats. 1949, Ch. 1051.)



**Continued violation**

13451. A person is guilty of a separate offense each day during which he commits, continues, or permits a violation of any provision of this chapter. The district attorney shall prosecute him until the violation is discontinued.

**Aiding violation**

13452. Any person who aids or abets the owner, manager, or operator of a clothes cleaning establishment in the violation of any provision of this chapter is guilty of a misdemeanor.

**Report of violation**

13453. The State Fire Marshal shall submit to the district attorney any evidence relating to:

(a) A violation of any provision of this chapter.

(b) Aiding or abetting any owner, manager, or operator of a clothes cleaning establishment to violate any provision of this chapter.

**Prosecution**

13454. Upon the receipt of any evidence relating to a violation of any provision of this chapter, the district attorney shall prosecute the violator.

(Amended by Stats. 1939, Ch. 634.)

### CHAPTER 3. SPOTTING, SPONGING, AND PRESSING ESTABLISHMENTS

#### Article 1. Definitions and General Provisions

**Definitions**

13501. Unless the context otherwise requires, the definitions set forth in this article shall govern the construction of this chapter.

**"Dry cleaning"**

13502. "Dry cleaning" means the process of freeing wearing apparel, feathers, furs, hats, fabrics, or textiles from grease, dirt, spots, stains, or discolorations by the use of a volatile, commercially moisture-free solvent, applied either manually or by means of a mechanical appliance.

**"Spotter and sponger"**

13503. "Spotter and sponger" means any person who removes spots, stains, or other discolorations from wearing apparel, feathers, furs, hats, fabrics, or textiles by means of a cleaning medium applied manually.

**"Presser"**

13504. "Presser" means any person who renovates wearing apparel, feathers, furs, hats, fabrics, or textiles by means of ironing, performed either manually or by the use of a mechanical appliance.

**"Cleaning and dyeing shop or store" and "spotting, sponging, or pressing establishment"**

13505. "Cleaning and dyeing shop or store" and "spotting, sponging, or pressing establishment" mean any premises, building, room, shop, store, instrumentality, or establishment, including an establishment commonly known to the trade as a press shop or furrier, but excluding any clothes cleaning establishment, equipped to perform, in whole or in part, a spotting, sponging, dry cleaning by local application, or pressing or other finishing service in respect to wearing apparel, feathers, furs, hats, fabrics, or textiles.

13506. "Private school or college of spotting, sponging, or pressing" means any establishment in which individuals are taught the operations or processes employed in the spotting, sponging, dry cleaning by local application, or pressing or other finishing of wearing apparel, feathers, furs, hats, fabrics, or textiles, whether gratuitously, for a charge or fee, or in exchange for services.

"Private school or college of spotting, sponging, or pressing"

13507. "Clothes cleaning establishment" and "cleaning and dyeing establishment" mean any premises, building, room, instrumentality, or establishment commonly known to the trade as a cleaning plant or cleaning and dyeing plant, equipped to perform the service of dry cleaning by immersion and agitation, or immersion only, in a volatile, commercially moisture-free solvent.

"Clothes cleaning establishment" and "cleaning and dyeing establishment"

13508. "Service outlet" means any premises, building, room, shop, store, instrumentality, or establishment in, upon, or through which a spotting, sponging, dry cleaning, or pressing or other finishing service in respect to wearing apparel, feathers, furs, hats, fabrics, or textiles is sold or bartered, or offered for sale or barter, or made an obligation or condition of a sale or barter, directly to the public.

"Service outlet"

13509. "Service inlet" means any premises, building, room, shop, store, instrumentality, or establishment used for collecting or receiving wearing apparel, feathers, furs, hats, fabrics, or textiles as to which a spotting, sponging, dry-cleaning, or pressing or other finishing service is to be performed.

"Service inlet"

13510. Any advertisement of the service of spotting, sponging, or pressing constitutes prima facie evidence that the premises, room, shop, store, instrumentality, or establishment in or upon which it appears, or to which it refers, is a service outlet or inlet.

Evidence of existence of service inlet or outlet

13511. "Agency" means any premises, building, room, shop, store, instrumentality, or establishment, including an establishment commonly known to the trade as a pickup shop, tailor shop, or secondhand clothing shop, upon, in, or through which is conducted, maintained, or operated a service outlet or inlet for a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, a clothes cleaning establishment, or a cleaning and dyeing establishment.

"Agency"

13512. The ownership of an agency shall be verified under oath when required by the State Fire Marshal.

Verification of ownership

13513. (Repealed by Stats. 1943, Ch. 193.)

13514. "Volatile and inflammable product" means any liquid, viscous, powdered, solid, or other form of product or substance having the capacity to evaporate and, during evaporation, to generate and emit a gas or vapor propagative of flame, fire, or explosion.

"Volatile and inflammable product"

- "Volatile, commercially moisture-free solvent" 13515. "Volatile, commercially moisture-free solvent" includes any solvent of the petroleum distillate, coal tar distillate, or chlorinated hydrocarbon type.
- "Fire nuisance" 13516. "Fire nuisance" means any thing or any act which increases, or may cause an increase of, the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire; or which may obstruct, delay, or hinder, or may become the cause of an obstruction, a delay, or a hindrance to, the prevention, suppression, or extinguishment of fire.
- "Approved" 13517. "Approved" means approved by the State Fire Marshal.
- "Operate" 13518. "Operate" and any of its variants includes "conduct" and "maintain" and any of their variants.
- Filing application, payment of fee, etc. 13519. Any application, fee, or penalty required by or specified in this chapter shall be filed or paid at the office of the State Fire Marshal. It shall not be incumbent upon the State Fire Marshal to issue any notification in regard to the filing or payment.
- Exemption 13520. The provisions of this chapter do not apply to any store whose major business is selling merchandise and which is not engaged in cleaning, dyeing, spotting, sponging, or pressing as an occupation for gain, but which performs a process of cleaning, dyeing, spotting, sponging, or pressing only in order to renovate wearing apparel or other goods which have become soiled or stained in transit from the manufacturer, or which have subsequently become shopworn, soiled, or stained.

## Article 2. Administration

- Enforcement 13550. The State Fire Marshal shall enforce and administer the provisions of this chapter.
- Employees 13551. The State Fire Marshal shall appoint, in accordance with the State civil service laws, such employees as may be necessary and required to carry out the provisions of this chapter, and shall prescribe their duties.
- Rules and regulations 13552. The State Fire Marshal shall formulate such rules, orders, and regulations as may be necessary to:
- (a) Promote fire prevention and health protection in spotting, sponging, or pressing establishments, and in private schools or colleges of spotting, sponging, or pressing.
  - (b) Carry out the provisions of this chapter.
- (Amended by Stats. 1941, Ch. 1222.)



13553. Pending a hearing thereon, the State Fire Marshal shall abate any fire nuisance upon any property or premises used as:

Abatement  
of fire  
nuisances

- (a) A cleaning and dyeing shop or store.
- (b) A spotting, sponging, or pressing establishment.
- (c) A unit or department of a clothes cleaning establishment equipped for performing the service of spotting, sponging, dry cleaning by local application, or pressing.
- (d) An agency of any shop, store, or establishment mentioned in this section.

(e) A private school of spotting, sponging, or pressing.

The cost of an abatement is assessable against the owner, lessee, or occupant of the property or premises.

13554. The State Fire Marshal, or his deputies or assistants, shall enter and inspect the following establishments during customary business hours, or at any time when they are in operation, for the purpose of enforcing this chapter:

Inspection

(a) Spotting, sponging, or pressing establishments, or agencies thereof.

(b) Private schools or colleges of spotting, sponging, or pressing.

(c) Agencies of clothes cleaning establishments.

The owner, lessee, manager, or operator of any such establishment shall permit the State Fire Marshal, or his deputies or assistants, to enter it at the times and for the purpose stated in this section.

The State Fire Marshal, in his discretion, need not inspect any such establishment located in a city that maintains a regular fire prevention bureau service.

(Amended by Stats. 1949, Ch. 1007.)

### Article 3. (Repealed by Stats. 1945, Ch. 1517)

13600. (Amended by Stats. 1941, Ch. 1222, and by Stats. 1943, Ch. 193; repealed by Stats. 1945, Ch. 1517.)

13601. (Amended by Stats. 1941, Ch. 1222; repealed by Stats. 1945, Ch. 1517.)

13602. (Repealed by Stats. 1945, Ch. 1517.)

13603. (Repealed by Stats. 1945, Ch. 1517.)

13604. (Repealed by Stats. 1945, Ch. 1517.)

13605. (Repealed by Stats. 1945, Ch. 1517.)

13606. (Amended by Stats. 1941, Ch. 1222; repealed by Stats. 1945, Ch. 1517.)

13607. (Amended by Stats. 1941, Ch. 1222, and by Stats. 1943, Ch. 193; repealed by Stats. 1945, Ch. 1517.)

13608. (Repealed by Stats. 1945, Ch. 1517.)

- 13609. (Repealed by Stats. 1943, Ch. 193.)
- 13610. (Amended by Stats. 1943, Ch. 193; repealed by Stats. 1945, Ch. 1517.)
- 13611. (Repealed by Stats. 1943, Ch. 193.)
- 13612. (Repealed by Stats. 1945, Ch. 1517.)
- 13613. (Amended by Stats. 1941, Ch. 1222, and by Stats. 1945, Ch. 880; repealed by Stats. 1945, Ch. 1517.)
- 13614. (Repealed by Stats. 1945, Ch. 880 and Ch. 1517.)
- 13615. (Repealed by Stats. 1945, Ch. 880 and Ch. 1517.)
- 13616. (Repealed by Stats. 1945, Ch. 880 and Ch. 1517.)

#### Article 4. (Repealed by Stats. 1945, Ch. 1517)

- 13650. (Repealed by Stats. 1945, Ch. 1517.)
- 13651. (Repealed by Stats. 1945, Ch. 1517.)
- 13652. (Amended by Stats. 1941, Ch. 1222, and by Stats. 1943, Ch. 193; repealed by Stats. 1945, Ch. 1517.)
- 13653. (Repealed by Stats. 1943, Ch. 193.)
- 13654. (Amended by Stats. 1945, Ch. 1173; repealed by Stats. 1945, Ch. 1517.)
- 13655. (Amended by Stats. 1941, Ch. 1222 and by Stats. 1943, Ch. 193; repealed by Stats. 1945, Ch. 1517.)
- 13656. (Amended by Stats. 1941, Ch. 1222, and by Stats. 1943, Ch. 193; repealed by Stats. 1945, Ch. 1517.)
- 13657. (Repealed by Stats. 1945, Ch. 1517.)

#### Article 5. Operation and Management

- 13675. (Repealed by Stats. 1945, Ch. 1517.)
- 13676. (Repealed by Stats. 1945, Ch. 1517.)
- 13677. (Repealed by Stats. 1945, Ch. 1517.)
- 13678. Every room or place used as an office, showroom, workroom, or storeroom of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any agency of any such shop, store, or establishment, of a private school or college of spotting, sponging, or pressing, or of any agency of a clothes cleaning establishment, shall be completely separated from every other room or place used for cooking, eating, sleeping, or other domestic functions by a partition or partitions, the openings in which shall be equipped with doors or glazed sash, or both. No person shall cook, eat, sleep, or engage in any other domestic function in any such office, showroom, workroom, or storeroom.
- 13679. Every office, workroom, storeroom, or other room or place in which any of the processes of spotting, sponging, or pressing are performed, or in which any wearing apparel,

Separation  
of rooms

Sanitation,  
etc.

feathers, furs, hats, fabrics, or textiles are kept or stored, and every roof, yard, court, passage, or other area in or upon the premises of a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, any agency of any such shop, store, or establishment, a private school or college of spotting, sponging, or pressing, or any agency of a clothes cleaning establishment, shall at all times be kept in good repair, free from any accumulation of dirt or debris that may constitute or give rise to a fire nuisance, and in an orderly, clean, and sanitary condition as to floors, walls, ceilings, windows, doors, woodwork, machinery, apparatus, utensils, fixtures, and furnishings.

Every office, workroom, storeroom, or other room or place specified in this section shall be adequately lighted and ventilated either by natural or mechanical means. The State Fire Marshal shall require the lighting and ventilation to comply with the accepted standards for industrial plants similar to those subject to this chapter.

Lighting and  
ventilation

13680. Any drying room, cabinet, or other appliance used for the purpose of drying or deodorizing in a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, any agency of any such shop, store, or establishment, a private school or college of spotting, sponging, or pressing, or any agency of a clothes cleaning establishment shall be located, constructed, installed, ventilated, and operated in a manner meeting with the approval of the State Fire Marshal.

Drying or  
deodorizing  
appliances

13681. No machine, apparatus, appliance, or device shall be used in a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, any agency of any such shop, store, or establishment, a private school or college of spotting, sponging, or pressing, or any agency of a clothes cleaning establishment, unless its operation, structural integrity, condition, and placement have been approved. Any present installation not meeting with the approval of the State Fire Marshal as to type, construction, condition, or placement, shall be immediately removed, remodeled, reconditioned, or relocated.

Approval of  
installations

13682. No person shall keep, store, or use in or upon the premises of a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, or a private school or college of spotting, sponging, or pressing, more than eight pounds in the aggregate of viscous, powdered, or solid volatile and inflammable products or substances. Any such products or substances in excess of one pound shall be kept or stored in approved safety containers.

Storage,  
etc., of  
volatile and  
inflammable  
products



Storage,  
etc., of cer-  
tain solvents

13683. Except as otherwise provided in Section 13684 of this code, no person shall keep, store, or use in or upon the premises of a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, or a private school or college of spotting, sponging, or pressing, more than one gallon in the aggregate of volatile, commercially moisture-free solvents of the petroleum distillate or coal tar distillate type. Any such solvent in excess of one pint shall be kept or stored in approved safety cans.

Storage of  
gasoline

13684. Gasoline for use in automotive vehicles or for approved purposes may be kept and stored in an approved specified quantity in excess of one gallon in an approved manner and in an underground location on the premises of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any agency of any such shop, store, or establishment, of a private school or college of spotting, sponging, or pressing, or of any agency of a clothes cleaning establishment, with the written permission of the State Fire Marshal.

Fire  
nuisance

13685. No person shall maintain, permit, or allow a fire nuisance to exist upon any property or premises owned, leased, or occupied by him as a cleaning and dyeing shop or store, as a spotting, sponging, or pressing establishment, as a unit or department of a clothes cleaning establishment equipped for performing the service of spotting, sponging, dry cleaning by local application, or pressing, as an agency of any such shop, store, or establishment, or as a private school or college of spotting, sponging, or pressing, after he is notified in writing by the State Fire Marshal to remove, discontinue, or abate it.

Service out-  
let or inlet

13686. No person shall operate a service outlet or inlet in connection with a private school or college of spotting, sponging, or pressing.

Reports:  
Change in  
ownership,  
etc.

13687. Any change in the location or ownership of a shop, store, establishment, school, or college subject to the provisions of this chapter shall be reported, in writing, at the office of the State Fire Marshal within 48 hours after the change by the person who is owner after the change.

(Amended by Stats. 1943, Ch. 193.)

Fire or  
explosion  
reports

13688. The owner, operator, or manager of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any unit or department of a clothes cleaning establishment equipped for performing the service of spotting, sponging, dry cleaning by local application, or pressing, of any agency of any such shop, store, or establishment, or of a private school or college of spotting, sponging, or pressing, shall make a detailed report to the State Fire Marshal of every fire or explosion which occurs in or upon the premises of the shop, store, establishment, agency, school, or college

within 24 hours after the fire or explosion, on forms provided for that purpose.

13689. A report of all volatile and inflammable products or substances purchased by, and delivered to the premises of, a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, any agency of any such shop, store, or establishment, a private school or college of spotting, sponging, or pressing, or any agency of a clothes cleaning establishment, shall be sent to the office of the State Fire Marshal every 30 days on forms furnished by the State Fire Marshal. Purchases

## Article 6. Violations

13725. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor. Penalty

13726. A person is guilty of a separate offense each day during which he commits, continues, or permits a violation of any provision of this chapter. The district attorney shall prosecute him until the violation is discontinued. Continued violation

13727. No person shall aid or abet the owner, manager, or operator of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any agency of any such shop, store, or establishment, of any agency of a clothes cleaning establishment, of any other agency, or the owner, manager, or instructors of a private school or college of spotting, sponging, or pressing, in violating any of the provisions of this chapter. Aiding violation

(Amended by Stats. 1939, Ch. 635, by Stats. 1941, Ch. 1222, and by Stats. 1943, Ch. 193.)

13728. The State Fire Marshal shall submit to the district attorney any evidence relating to: Report of violations

(a) A violation of any provision of this chapter.

(b) Aiding or abetting any owner, manager, or operator of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any agency of any such shop, store, or establishment, of any agency of a clothes cleaning establishment, of any other agency, or the owner, manager, or instructors of a private school or college of spotting, sponging, or pressing to violate any provision of this chapter.

(Amended by Stats. 1939, Ch. 635, by Stats. 1941, Ch. 1222, and by Stats. 1943, Ch. 193.)

13729. Upon the receipt of any information relating to a violation of any provision of this chapter, the district attorney shall prosecute the violator. Prosecution

(Amended by Stats. 1939, Ch. 635.)

13780. The provisions of Chapters 2 and 3 of Part 2 of Division 12 of this code shall not apply to the spotting or pressing of clothing of persons while carried or employed on passenger trains which are subject in whole or in part to the jurisdiction of the Interstate Commerce Commission or the Railroad Commission of the State of California, nor to such trains in respect of such spotting and pressing; provided, that such spotting or pressing hereby exempted shall be solely as a facility available in connection with and as a part of the Exemption

operation of such trains and not open or available to members of the public, or to others than the persons carried or employed on the train upon which the spotting or pressing is performed for them.

(Added by Stats. 1941, Ch. 201.)

### PART 3. FIRE PROTECTION DISTRICTS

#### CHAPTER 1. FIRE PROTECTION DISTRICTS IN UNINCORPORATED AREAS

##### Article 1. General Provisions

**"District"** 14001. "District," as used in this chapter, means a district created pursuant to this chapter or pursuant to any act which it supersedes.

**"District board"** 14002. "District board," as used in this chapter, means the board of fire commissioners of a district.

**Exemption from Stats. 1933, p. 2142** 14003. Districts formed or proposed to be formed under this chapter are not subject to any provisions of the "District Investigation Act of 1933."

(Amended by Stats. 1939, Ch. 222.)

**Noncompliance with chapter** 14004. No assessment or act relating to the assessment or collection of taxes, nor any election held under this chapter, is illegal, void or voidable on account of any error, omission or informality or failure to comply strictly with the provisions of this chapter, nor on account of any misnomer.

**Area that may be organized** 14005. Any unincorporated area of this State may be organized as a fire district and may equip and maintain a fire department for the purpose of protecting property from destruction by fire.

**Proceedings re validity** 14006. Any proceeding in which the validity of the organization of a district is questioned shall be commenced within three months from the date of the first appointment of members of the district board; otherwise such organization and the legal existence of said district, and all proceedings in respect thereto, are valid and in every respect legal and incontestable.

**Organization validated** 14007. Any district which has functioned as such, or for which taxes have been collected, for a period of three years is validly organized.

14008. (Repealed by Stats. 1951, Ch. 1283.)

NOTE: Stats. 1951, Ch. 1283 also contained the following provision:

SEC. 8. Section 4 [which repeals Health and Safety Code Sections 14008, 14541, 14542, 14543, 14544, 14545, 14547, 14810, and 14812] of this act shall not be operative with respect to portions of fire protection district territory included within cities by annexations or incorporations completed prior to the effective date of this act.

**Prosecutions: Jurisdiction** 14009. Any justice of the peace within the townships within which a district is situated has jurisdiction of all prosecutions under this chapter.

##### Article 2. Petition and Hearing

**Petition** 14025. Fifty or more taxpayers and residents of any unincorporated area may petition the board of supervisors of the



county in which the area is situated for the formation of a fire protection district.

14026. The board of supervisors shall fix the time for hearing and give notice by two publications in a newspaper published in the county, if there is one, if not, by posting the notice in three public places in the county. Notice

14027. The first publication or the posting shall be not less than 10 days before the time fixed for hearing. Publication or posting

14028. Any interested person may appear at the hearing and show cause why the application should not be granted. Protests

14029. After hearing the board of supervisors may in its discretion grant the application and if it does so, shall determine the boundaries of the district. Grant of application

### Article 3. The Board of Fire Commissioners

14050. The board of supervisors shall appoint three commissioners as the board of fire commissioners of the ----- Fire District (naming district), who shall hold their office until the second Monday in April next thereafter, and until their successors are elected and qualified. First commissioners

14051. An election shall be held on the first Monday of April subsequent to the appointment of the district board by the board of supervisors for the election of three members who shall take office on the next succeeding Monday of the same month. First successors: Election

14052. The first elected members of the district board shall at their first meeting so classify themselves by lot that one of their number goes out of office on the second Monday of April of the year next succeeding, one on the second Monday of April of the second year succeeding, and one on the second Monday of April of the third year succeeding. Terms

14053. On the first Monday of April of the year next succeeding the first election and on the first Monday of April of every year thereafter, an election shall be held for the election of one member, who shall take office on the next succeeding Monday in the same month and shall hold office for the term of three years, or until his successor is elected and qualified. Subsequent successors: Election and terms

14053.5. If on the fortieth day prior to the day fixed for the general district election it appears that only one person has been nominated for the position of member of the board of fire commissioners to be filled at that election and a petition signed by five percent (5%) of the qualified electors in the district, requesting that the general district election in the district be held, has not been presented to the board of commissioners of the district, an election shall not be held, but the board of supervisors at a regular or special meeting held prior to the day fixed for the election shall appoint to the position the person who has been nominated. If no person has been nominated, the board of supervisors shall appoint any qualified person to the position. The person appointed shall qualify and take office and serve exactly as if elected at a general district election. Uncontested election

In such instances the publication provided for in Section 14102 shall, instead of calling an election, state that no election is to be held and that the board of supervisors will appoint a member of the board of fire commissioners.

(Added by Stats. 1947, Ch. 128.)

**Vacancies**

14054. Any vacancy in the office of a member elected to the board shall be filled by appointment by the board of supervisors for the period until the next general election within the district at which time a successor shall be elected to serve for the unexpired term.

**Compensation**

14055. Members of the district board shall not receive any compensation for their services as such.

#### Article 4. General Powers and Duties

**Perpetual succession  
Contracts**

14073. The district board shall have perpetual succession.

14074. It may make all necessary or convenient contracts with persons engaged in the supply and distribution of water, for a supply of water, and for attaching hydrants or fire plugs to their pipes, conduits, or cisterns.

**Service contracts**

14074.5. If the area included in any district is contiguous with the area of another district, the district boards may contract for the furnishing of services by one such district to the other.

(Added by Stats. 1951, Ch. 446, Effective May 14, 1951. Section of same number added by Stats. 1951, Ch. 1587.)

**Civil service**

14074.5. The district board may by ordinance provide for a civil service system for employees of the district, and may provide for the hiring of employees under such system as may be necessary to carry out the powers and duties and functions of the district.

(Added by Stats. 1951, Ch. 1587. Section of same number added by Stats. 1951, Ch. 446.)

**Equipment**

14075. The district board shall purchase and maintain all necessary and convenient engines, hose, hose carts, or carriages, and other appliances and supplies for the full equipment of a fire company or department, may purchase and maintain ambulances, and shall appoint fire company officers and employees sufficient to maintain and operate equipment purchased for such district.

**Payment to employees**

The board is authorized, but not required, by resolution thereof, to provide for payment to each officer and employee of such fire department.

(Amended by Stats. 1939, Ch. 496, by Stats. 1945, Ch. 1287, and by Stats. 1951, Ch. 446. Effective May 14, 1951.)

**Seal**

14076. It may adopt a seal.

**Property**

14077. It may take by grant, purchase, gift, devise, or lease, and hold, use, enjoy, and lease, or dispose of real and personal property of every kind, necessary for the exercise of the powers of the district.

14078. It may construct or otherwise acquire suitable fire- Buildings  
houses and other buildings or structures suitable for housing  
the equipment, apparatus and supplies of the district, or for  
carrying on its business and affairs. All property shall be  
taken and held in the name of the district.

14078.1. Whenever the cost of construction of any public Contracts  
works and improvements or the cost of any repairs thereto  
exceeds the sum of one thousand five hundred dollars (\$1,500)  
the work shall be done by contract and let to the lowest respon-  
sible bidder after notice.

(Added by Stats. 1950 First Ex. Sess., Ch. 58. Effective May  
1, 1950.)

14079. The district board may sell, or otherwise dispose Disposition  
of real and personal property acquired by the district where  
it has ceased to be suitable for the uses of the district.

14080. If the property was originally acquired pursuant Vote  
to the vote of the voters within the district, it shall not be sold  
except pursuant to a like vote.

14081. The proceeds derived from the sale of land or Proceeds  
property shall be exclusively devoted to the purchase of other  
land or like property for the use of the district.

14082. The district board may procure all necessary books Books and  
and blanks for the purpose of keeping a correct record of its  
proceedings; and shall keep a record of all its acts, and of all  
money received and disbursed by it. The books shall be open  
to public inspection at all times.

14083. It may regulate the construction of, and order the Regulation of  
suspension, discontinuance, removal, repair, or cleaning of,  
fireplaces, chimneys, stoves, and stovepipes, flues, ovens, boilers,  
kettles, forges or any apparatus used in any building, factory,  
or business, which may be dangerous in causing or promoting  
fires, and prescribe limits within which no dangerous or  
obnoxious and offensive business may be carried on.

14084. It may clear or order the clearing of land or remove Land  
or order the removal of dry grass, stubble, brush, rubbish, litter,  
clearance  
or other inflammable material, if, in its judgment, the inflam-  
mable material endangers the public safety by creating a fire  
hazard. The provisions of Part 5, Division 12, of this code are  
made applicable to the fire protection districts organized and  
existing pursuant to this chapter, and the procedure set forth  
therein shall apply to dry grass, stubble, brush, rubbish, litter,  
or other inflammable material which endangers the public safety  
by creating a fire hazard. In the application of the provision of  
said Part 5, Division 12, to proceedings under this chapter, the  
terms "board of supervisors," or "board" when used in said  
Part 5, shall mean the board of fire commissioners acting under  
this chapter; and the officers designated in Section 14890, of  
said Part 5, shall mean the members of the fire department of  
said district.

(Amended by Stats. 1943, Ch. 644 and by Stats. 1951, Ch.  
1455.)



- Ordinances: Nature** 14085. It may adopt ordinances, within the purview of the preceding two sections, to prevent fires and conflagrations, and for the protection of property at and during any fire.
- Procedure for adoption** 14086. Each ordinance shall be signed by the members of the district board, and published in a newspaper printed in the district, or posted in three of the most public places in the district, for a period of two weeks, at the end of which time it shall become a law for the government of the inhabitants of the district.
- Violation** 14087. Every person who violates any of the provisions of a district ordinance or who falsely personates a member of the district board or any officer of a district is guilty of a misdemeanor.  
(Amended by Stats. 1939, Ch. 496.)
- Peace officer powers** 14088. The district board may provide that at and during any fire the officers of the fire company or companies present shall have the powers of peace officers.
- Permits to burn inflammable material** 14089. Any person desiring or required to burn inflammable material pursuant to Section 14084 shall do so only under permit issued by the district board with approval and under such regulations as may be imposed by the district fire chief.  
(Amended by Stats. 1949, Ch. 1139.)

#### Article 4.5. Bonds

(Article 4.5 added by Stats. 1947, Ch. 1345)

- Bonds: When needed** 14090. If the structure or structures, or the acquisition of real or personal property, needful for district purposes reasonably requires an immediate expenditure in excess of available funds of the district derived from ordinary taxation, the district board may adopt a resolution calling an election within the district upon the issuance of bonds. The amount of the bonds to be issued shall not exceed the amount specified in the resolution calling the election.  
(Added by Stats. 1947, Ch. 1345.)
- Resolution** 14091. The resolution calling an election upon the issuance of bonds shall specify the date of the election, the amount of the bonds to be issued, the rate of interest or a maximum rate to be paid thereon, and the nature of the proposed structure or improvement or of the property to be acquired.  
(Added by Stats. 1947, Ch. 1345.)
- Election** 14092. At the election any qualified and registered elector residing within the district may vote. If at the election a majority of the voters, voting thereat, shall vote in favor of the issuance of the bonds, the district board is thereupon authorized to issue the bonds.  
(Added by Stats. 1947, Ch. 1345.)
- Issuance** 14093. Bonds issued pursuant to this chapter shall be issued as follows:  
(a) A part to be determined by the district board, which shall be not less than one-thirtieth of the whole amount of the indebtedness, shall be payable annually at a date and place specified.

(b) The date of the first bonds maturing may at the discretion of the district board, be postponed not more than five years from the date of issuance.

(c) The interest to be paid shall be stated upon the bond and shall not exceed the rate specified in the notice of election on the issuance of such bonds.

(d) The denomination of the bonds shall be fixed by the district board, but shall not be less than one hundred dollars (\$100) or more than one thousand dollars (\$1,000) each.

(e) The bonds shall be signed by the presiding officer of the district board and by the treasurer of the county in which the district is located. Signatures may be facsimile by use of an engraved or lithographed signature.

(f) Interest coupons shall be numbered consecutively and signed by the treasurer of the county in which the district is located, in like manner as the bonds.

(Added by Stats. 1947, Ch. 1345.)

14094. Such bonds shall be sold by, or on behalf of, the district board for not less than the face value thereof. Sale

(Added by Stats. 1947, Ch. 1345.)

14095. In case the term of office of any officer whose signature is required upon a bond or coupon expires before delivery of such bond or coupon, his signature thereon shall be valid for all purposes connected with such bond or coupon. Signature

(Added by Stats. 1947, Ch. 1345.)

14096. The proceeds of sale of all bonds so issued shall be deposited with the treasurer of the county in which the district is located and shall be withdrawn therefrom only upon the order of the district board or pursuant to its directions and only for the carrying out of the purposes for which the bonds were issued. Proceeds

(Added by Stats. 1947, Ch. 1345.)

## Article 5. Provisions Relating to Elections

14100. The district board shall call elections, appoint judges and clerks, canvass the votes, and issue certificates of election. Elections:  
Generally

14101. Elections may be general or special. Nature

14102. Elections within a district may be called by the district board by posting notices of election in three of the most public places in the district for not less than 10 days before the date fixed for the election, and also, if there is a newspaper printed and published in the district, by publishing such notice in at least two issues of the paper. Notice:  
Publication  
and posting

14103. The notice shall specify the time and place for holding the election and set forth in general terms the purposes of the election. Contents

14104. The district board shall appoint precinct boards which shall consist of one inspector, one judge, and two clerks. Precinct  
boards

14105. The district board shall designate the precincts for the election, if there is more than one, and for such purpose Precincts

may consolidate any county precincts into such number as it deems advisable.

**Polling places** 14106. The district board may fix the polling place and the hours within which the polls at such election shall be open.

**Opening and closing polls** 14107. The polls shall be open either (a) for a period from not later than 8 o'clock a.m. to not earlier than 5 o'clock p.m. of the day of the election; or (b) from 1 o'clock p.m. to 6 o'clock p.m. on the day of the election.

**Registration** 14108. No new registrations shall be required.

**Election law** 14109. Elections shall be held in all respects as nearly as practicable in conformity with the provisions of law governing elections in cities of the sixth class.

**Ballots** 14110. The ballots used at elections on propositions shall set them forth in terms conforming to the requirements of law for elections on measures in cities. Sample ballots need not be mailed for elections on propositions.

**Expense** 14111. The expense of elections on propositions shall be a charge against the district.

**Returns** 14112. The judges on each precinct board shall, within 24 hours after the election, make returns and certify to the district board the number of votes cast, and the number of votes in favor of and the number of votes against the matter voted upon.

**Canvass of returns, etc.** 14113. The judges on each precinct board shall, within 24 hours after the election, make returns and certify the votes, and the names of the person or persons voted for, to the district board, and within five days after the returns have been received by it the district board shall count the votes, determine who has been elected, and issue certificates of election to the persons elected.

**Removal of elective officers** 14114. The holder of any elective office of any fire protection district organized or existing under this chapter may be removed or recalled at any time by the electors; provided he has held office for at least six months. The provisions of this section are intended to apply to officials now in office, as well as to those hereafter elected.

**Procedure** The procedure to effect such removal or recall shall be as follows: A petition demanding the election of a successor to the person sought to be removed shall be filed with the secretary of the district board, which petition shall be signed by registered electors of such district equal in number to at least 25 percent of the highest vote cast within such district for candidates for the office, the incumbent of which is sought to be removed, at the last general election in such district at which an incumbent of such office was elected; and said petition shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the electors. Any insufficiency of form or substance in such statement shall in nowise affect the validity of the election and proceedings held thereunder. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence, and if



within a town having named streets and numbered houses, street and number. Each such separate paper shall have attached thereto an affidavit made by an elector of the district and sworn to before an officer competent to administer oaths, stating that the affiant circulated that particular paper and saw written the signatures appended thereto; and that according to the best information and belief of the affiant, each is the genuine signature of the person whose name purports to be thereunto subscribed and of a qualified elector of the district.

Within 10 days from the date of filing such petition, the secretary of the board shall examine and from the records of registration ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing the result of said examination.

If by the said certificate the petition is shown to be insufficient, it may be supplemented within 10 days from the date of such certificate, by the filing of additional papers, duplicates of the original petition except as to the names signed. The secretary shall, within 10 days after such supplementing papers are filed, make like examination of such supplementing petitions, and if a certificate shall show that all the names to such petition, including the supplemental papers, are still insufficient, no action shall be taken thereon; but the petition, including all supplemental papers, shall remain on file as a public record; and the failure to secure sufficient names shall be without prejudice to the filing later of an entirely new petition to the same effect.

If the petition, including any supplemental paper, shall be found to be sufficient, the secretary shall submit the same to the district board without delay, whereupon the board shall forthwith cause a special election to be held within not less than 35 nor more than 40 days after the date of the order calling such election, to determine whether the voters will recall such officer; provided, that if a general election is to occur within 60 days from the date of the order calling for such election, the board may in its discretion postpone the holding of such election to such general election or submit such recall election at any such general election for officers of such district occurring not less than 35 days after such order. If a vacancy occur in said office after a recall petition is filed, the recall election shall nevertheless proceed as in this section provided. One petition is sufficient to propose a removal and election of one or more elective officials. One election is competent for the removal and election of one or more elective officials.

Nominations for any office under such recall election shall be made in the manner prescribed as follows: Not less than 15 days before such recall election any 10 or more qualified electors in the district may file with the district board a nomination petition requesting that the names of certain electors of the district, specified in such nomination petition be placed on the

Vacancy

Nomination  
procedure

ballot as candidates for the offices named therein. Such nomination petitions shall not specify more than one name for each office to be voted upon at such recall election. The name of the incumbent officer sought to be recalled shall not be named in any nomination petition. The names proposed by the various nomination petitions so filed, and no others, shall be printed on the ballots, but there shall be sufficient blank spaces left in which electors may write other names if they so desire. The nomination petitions shall be preserved in the office of the secretary of the district.

Ballot

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which questions shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (X), his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office nor shall the name thereof be written in any blank space provided for said office.

If a majority of those voting on said question of the recall of any incumbent from office shall vote "No", said incumbent shall continue in said office. If a majority shall vote "Yes", said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The election shall be conducted, canvass of all votes for candidates for said office shall be made, and the result declared in like manner as in a regular election within such district. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within 10 days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law. If the vote at any such recall election shall not recall the officer, no further petition for the recall of such officer shall be filed before the expiration of six months from the date of such recall election.

(Added by Stats. 1945, Ch. 1287.)

## Article 6. Finance and Taxation

Indebtedness

14150. The district board may borrow money and incur indebtedness in anticipation of the revenue for the current year in which the indebtedness is incurred or of the ensuing year thereafter. Such indebtedness shall not exceed the total

amount of the estimated tax income for either the current year or the ensuing year.

14151. After the organization of a district, the district board shall call an election and submit to the voters residing within the district, the question whether a tax shall be levied and raised for the purpose of establishing and equipping a fire department for the district and for protecting the district from loss by fire. Tax for establishing fire department

14152. On or before the fifteenth day of June of each year the district board shall estimate and determine the annual amount of money required for the fire department and shall adopt a preliminary budget which shall be divided into the following main classes: Preliminary budget: Adoption

(1) Maintenance and operation;

(2) Capital outlay.

(Repealed and added by Stats. 1951, Ch. 1039. Effective June 14, 1951.)

14152.1. On or before the fifteenth day of June of each year the district board shall publish a notice at least one time in a newspaper of general circulation throughout the district stating: Publication of notice

(1) That the preliminary budget has been adopted and is available at a time and at a place within the district specified in the notice for inspection by interested taxpayers;

(2) That on a specified date not less than one month after publication of the notice and at a specified time and place the district board will meet for the purpose of fixing the final budget and that any taxpayer may appear and be heard regarding the increase, decrease, or omission of any item of the budget or for the inclusion of additional items.

(Added by Stats. 1951, Ch. 1039. Effective June 14, 1951.)

14152.2. At the time and place designated in the published notice for the meeting, any taxpayer may appear and be heard regarding the increase, decrease, or omission of any item of the budget or for the inclusion of any additional items. Hearing:

(Added by Stats. 1951, Ch. 1039. Effective June 14, 1951.)

14152.3. The hearing on the budget may be continued from time to time until concluded. Continuation

(Added by Stats. 1951, Ch. 1039. Effective June 14, 1951.)

14152.4. The district board shall report the final budget to the board of supervisors after the budget hearing but not later than the first day of August of each year after making any changes in the preliminary budget it deems advisable during or after the hearing, including deductions, increases, or additions. Report to board of supervisors

(Added by Stats. 1951, Ch. 1039. Effective June 14, 1951.)

14153. The board of supervisors shall at the time of levying the county taxes levy a tax upon all the taxable property within the district sufficient to meet the amounts set forth in the final budget submitted by the district board; provided, however, that if not less than 10 percent of the qualified electors of the district have signed a petition filed with the board of supervisors protesting the levy for any capital outlay included in the Tax levy



final budget submitted by the district board, or if a written protest against the proposed capital outlay signed by a majority in number of the assesses of real property representing one-half or more of the assessed valuation of the taxable real property within the district, as shown by the last preceding equalized assessment roll, is filed with the board of supervisors, the board of supervisors shall delete that amount from the final budget before levying a tax to raise the amount required by the final budget. Such protest petition must be filed with the board of supervisors not later than five days prior to the final day on which the board of supervisors is required by law to make the annual tax levy.

(Repealed and added by Stats. 1951, Ch. 1039. Effective June 14, 1951.)

Computation,  
collection,  
etc.

14153.1. The taxes so levied shall be computed and entered on the assessment roll and collected at the same time and in the same manner as county taxes, and when collected shall be placed in the county treasury for the use of the district. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such taxes.

(Added by Stats. 1951, Ch. 1039. Effective June 14, 1951.)

Special  
taxes

14154. A special tax may be levied upon the property within the district if authorized by a majority vote of the voters voting on the proposition for a special tax at the annual election or at a special election called by the district board for the purpose.

(Repealed and added by Stats. 1951, Ch. 1039. Effective June 14, 1951.)

Same

14154.1. A special tax may be voted for the purpose of acquiring land or erecting buildings or purchasing apparatus and equipment or buildings or for paying indebtedness of the district previously incurred.

(Added by Stats. 1951, Ch. 1039. Effective June 14, 1951.)

Same

14155. The provisions of Section 14153 providing for a protest petition shall have no application to special taxes levied in accordance with the provisions of Sections 14154 and 14154.1.

(Repealed and added by Stats. 1951, Ch. 1039. Effective June 14, 1951.)

Surplus

14156. Notwithstanding any of the provisions of this chapter, the district board may expend all or any portion of any unencumbered surplus on hand on the effective date of this act, for the purchase of fire engines, fire apparatus, equipment, and appliances, and for necessary building to house and maintain such equipment and apparatus.

(Repealed and added by Stats. 1951, Ch. 1039. Effective June 14, 1951.)

Tax money:  
Custody

14157. All money derived from taxes authorized to be levied and collected, shall be kept by the treasurer of the county in which a district is situated, subject only to the order of the district board.

Compensation

14158. The treasurer shall receive no compensation for the receipt and disbursement of money of the district.

14159. All accounts, bills, and demands against the fire department shall be audited, allowed, and paid by the district board by warrants drawn on the county treasurer. The county treasurer shall pay the warrants in the order in which they are presented. Payment of bills, etc.

14160. A special tax shall be levied and collected for the payment of interest on bonds and for the retirement of bonds issued pursuant to this chapter. The tax shall be collected in the same manner and at the same time as other county taxes. All money derived from such tax shall be kept by the treasurer of the county in which the district is situated in a special bond service fund and shall be paid by the treasurer for the purchase of any matured bond or interest coupon upon presentation thereof. Special tax for interest, etc.

(Added by Stats. 1947, Ch. 1345.)

14161. If the payment of the first installment of bonds is postponed for five years or any portion thereof, the special tax shall nevertheless be collected beginning the first year and the amounts thereof accumulated in the bond service fund. Accumulation of tax in bond service fund

(Added by Stats. 1947, Ch. 1345.)

14162. The board of supervisors shall, in fixing the rate of the tax for bonds issued under this chapter, allow not to exceed 15 percent for anticipated delinquencies. Anticipated delinquencies

(Added by Stats. 1947, Ch. 1345.)

14163. All costs incurred by the county in connection with the issuance of bonds pursuant to this chapter shall be reimbursed to it by the district issuing the bonds. Costs of issuance

(Added by Stats. 1947, Ch. 1345.)

## Article 7. Contracts With Cities

14200. When the respective territories of any city and any district are contiguous they may contract, for one year or more, for fire protection service by the district throughout or within part of the area of the city. Occupants of property in the vicinity of the district not included within the territory of any city or other fire protection district, and such district may contract, for one year or more, for fire protection service by the district for the property described in the contract, which such contract shall provide for fixed annual payment of agreed amount by the occupant of the property to the district to be paid in advance at the date of the making of such contract, and on the even date thereof for each subsequent year covered by the contract. Contracts with cities, etc.

(Amended by Stats. 1943, Ch. 644.)

14201. The contract shall be in writing and shall be set forth in full in the minutes of the respective governing bodies of the contracting parties and a duplicate original shall be filed with the records of the district in the office of the county clerk. Formalities

14202. Upon the filing of the contract the district shall be an independent contractor. District is independent contractor

Effect of contract	14203. During the term of the contract, without in anywise curtailing the rights, powers and duties of the city, the area covered by the contract shall be construed as part of the district territory for all fire protection purposes under this chapter.
Payments	14204. At the option of the parties to the contract, in lieu of the assessment and collection of taxes by the district upon the city area included within the district, the contract may provide for fixed payments of agreed amounts by the city to the district.
City of sixth class may maintain fire fighting system	14205. Any city of the sixth class all or part of which is included within the boundaries of a district may if it desires provide for acquiring and maintaining fire fighting implements, apparatus and equipment, including water mains, hydrants and water, in addition to those acquired and maintained therein by the district. The city may defray the cost of acquiring and maintaining such additional fire fighting implements, apparatus and equipment from the general tax revenues of the city and may contract with the district regarding the acquisition, maintenance and use thereof. (Added by Stats. 1939, Ch. 417.)

#### Article 8. Inclusion of Contiguous Territory

Inclusion of contiguous territory	14225. Territory contiguous to any district and in the same county may be included in the fire limits of the district in the manner prescribed in this article.
"Contiguous" defined	14226. As used in this article, "contiguous" means touching at one or more points.
Petition: Who may file	14227. Owners of real property in contiguous territory, which represents at least 51 per cent of the total assessed valuation of the contiguous territory, as shown by the last equalized assessment roll of the county in which the district is located, may petition for inclusion of the territory within the district. (Amended by Stats. 1941, Ch. 775.)
Contents	14228. The petition shall designate specifically the boundaries of the contiguous territory, its total assessed valuation and the amount and assessed value of real property owned by each of the petitioners as shown by the last equalized assessment roll of the county in which the property is situated, and shall state that the territory is not within the fire limits of any other fire district.
Presentation	14229. The petition shall also be signed by the district board and shall be presented to the county board of supervisors.
Notice	14230. The petition shall be verified by the affidavit of one of the petitioners, and notice of its filing, together with the names of owners and a general description sufficient for identification of the real property proposed to be included in the district, and a statement of the time fixed for hearing the petition, and a statement that all persons interested may appear and be heard, shall be published at least two weeks preceding the hearing, by the board of supervisors, in a newspaper of



general circulation published in the county in which the district is located.

(Amended by Stats. 1943, Ch. 1022.)

14231. At the hearing the board of supervisors shall hear Hearing the petition and any person interested, and may adjourn the hearing from time to time.

14232. Upon the hearing the board shall determine whether Boundaries or not it is for the best interests of the district and of the contiguous territory that the territory be included in the fire limits of the district and may modify the boundaries of the territory proposed to be included.

14233. The board of supervisors shall not modify the bound- Inclusion aries of the territory proposed to be included so as to exclude any real property which would be benefited by inclusion.

14234. Real property which would not in the judgment of Exclusion the district board be benefited by inclusion shall not be included within the boundaries of the territory proposed to be included.

14235. The board of supervisors shall not include within Lots or parcels the fire limits of the district any areas of land not subdivided or any lots or parcels of property containing more than five acres of land each, if the owner files objections to the inclusion of any such land within the district.

14236. If the board of supervisors upon final hearing Order determines that it is for the best interests of the district and the territory proposed to be included that such territory be included, it shall make an order including the contiguous territory within the fire limits of the district. The order shall describe the exterior boundaries of the contiguous territory.

14237. Where any parcel of land containing more than five Exclusion acres is included within the fire limits of the district, the board of supervisors, upon application of the owner, shall exclude from the district and from the taxable property of the district, all of the parcel except that portion or those portions thereof upon which a building or buildings, or similar structure, may be situated, each such portion to include such quantity of land, not less than five acres in area, as in the judgment of the board may be reasonable. No such portion need be contiguous to any other territory in the district.

(Amended by Stats. 1945, Ch. 330.)

14238. Property in territory included within a district shall, Taxation of included territory from and after the date of such inclusion, be subject to tax, levied as provided in Section 14160, to pay the principal of and interest on bonds of the district outstanding at the time of such inclusion.

(Added by Stats. 1950 First Ex. Sess., Ch. 58. Effective May 1, 1950.)

## Article 9. Withdrawal of Lands From District

<b>Withdrawal</b>	14250. Any portion of a district which will not be benefited by remaining within the district may be withdrawn from the district.
<b>Petition</b>	14251. A majority of the persons who are both freeholders and residents within the portions desired to be withdrawn from the district may file a petition with the board of supervisors, requesting the withdrawal of that portion from the district on the ground that the portion will not be benefited by remaining in the district.
<b>Time for hearing</b>	14252. The board of supervisors shall fix a time for hearing the petition and for hearing protests to the continuance of the remaining territory as a district. The time for hearing shall not be less than 10 nor more than 30 days after the receipt of the petition.
<b>Notice: Publication</b>	14253. The board shall, at least a week prior to the time so fixed, publish a notice of hearing by one insertion in a newspaper circulated in the district, or if there is no newspaper published in the district, in a newspaper published in the county in which the district is located, and which the board deems most likely to give notice to the inhabitants of the proposed withdrawal.
<b>Posting</b>	14254. The notice shall also be posted in three of the most public places within the district, one of which places shall be within the portion desired to be withdrawn, at least one week prior to the time fixed for hearing.
<b>Objections</b>	14255. Any person interested may appear at the hearing and object to the withdrawal, or may object to the continuance of the remaining territory as a district.
<b>Grant of petition</b>	14256. The board of supervisors shall consider and pass upon all objections, and if it finds that the portion of the district sought to be withdrawn will not be benefited by remaining within the district, and will not serve as a fire hazard to the remaining portion of the district, and that the territory not sought to be withdrawn will be benefited by continuing as a district, then it shall grant the petition.
<b>Election on dissolution</b>	14257. If in the judgment of the board of supervisors the exclusion of the territory sought to be withdrawn will make further existence of the district impracticable, the board shall proceed to call an election for dissolution.
<b>Vesting and use of property</b>	14258. Upon the withdrawal of any territory from a district all property acquired for the district shall remain vested in the county and be used for the purposes of the district.
<b>Withdrawal on inclusion in city</b>	14258.5. Whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion shall be withdrawn from the district. (Added by Stats. 1951, Ch. 1283.)
<b>Same: Division of funds and property</b>	14258.6. Upon the withdrawal of any territory of a district included within a city all property required for the district and all funds remaining on hand on the date of withdrawal shall be divided between the city and the remaining district

in proportion to the assessed value of the real property of the territory so withdrawn and the portion remaining. All taxes collected by the district after the date of withdrawal on real property so withdrawn shall be paid over to the city.

(Added by Stats. 1951, Ch. 1283.)

14259. Property in territory withdrawn or excluded from a district under this article, under Section 14237, or otherwise, shall continue to be subject to tax, levied as provided in Section 14160, to pay the principal of and interest on bonds of the district outstanding at the time of such withdrawal or exclusion. Tax levy

(Added by Stats. 1950 First Ex. Sess., Ch. 58. Effective May 1, 1950.)

### Article 10. Dissolution of District

14275. Any district may be dissolved by the board of supervisors. Dissolution

14276. Fifty or more persons who are both freeholders and residents of such district, or a majority of the persons who are both freeholders and residents if there are less than 100 freeholders and residents in the district, may file with the board of supervisors a petition, requesting the dissolution of the district. Petition

14277. The board of supervisors shall fix a time for hearing the petition, which shall not be less than 10 nor more than 30 days after the receipt of the petition. Time for hearing

14278. The board shall at least a week prior to the time so fixed, publish a notice of hearing by one insertion in a newspaper of general circulation, published in the district, or if there is no newspaper published in the district, in a newspaper published in the county in which the district is located. Notice

14279. At the time appointed for hearing, or at any time to which the hearing may be continued, the board of supervisors shall hear and pass upon such petition, and all objections to granting it which may be made by persons interested. Hearing

14280. The board of supervisors may either deny the petition for dissolution or by resolution call an election upon the proposition of dissolution. Denial of petition, election

14281. The resolution shall specify the date of the election, which shall be not less than 20 days after the adoption of the resolution. Resolution

14282. The resolution shall designate one or more precincts within the district, and shall designate a polling place in each precinct, together with the names of the election officers, who shall be one inspector, one judge, and one clerk, in each precinct. Precincts, etc.

14283. In all other particulars not recited in the resolution, the election shall be held as provided by law for holding general elections in the county and any resident of the district who would be entitled to vote at a general election held at the same time may vote. Election law



- Notice** 14284. No notice of the election other than the publication and posting of the resolution pursuant to this article, need be given.
- Publication** 14285. The resolution ordering the election shall be published once a week for two successive weeks prior to the date of election, in a newspaper of general circulation published in the district, or if there is no newspaper published in the district, in a newspaper published in the county in which the district is located, and deemed by the board of supervisors to be most likely to give notice of the election to the voters.
- Posting** 14286. The resolution shall also be posted in three of the most public places within the district at least 10 days prior to the date of election.
- Ballots** 14287. The ballots used shall state in substance the following proposition: "Shall the-----Fire District in-----County (stating the name of the district and the name of the county in which the same is located) be dissolved?", and opposite the proposition as so stated shall be printed the words "Yes" and "No" together with voting squares.
- Result of election** 14288. If, at the election, a majority of the votes cast are in favor of dissolution the board of supervisors shall enter a finding to that effect upon its minutes and thereafter, the district is dissolved.
- Vesting of property** 14289. Upon the dissolution of any district the property of the district lying within the corporate limits of any city vests absolutely in the city; and the property of the district without the corporate limits of any city vests absolutely in the county within which the district was situated.
- Disposition of funds** 14290. All the funds of the district remaining on hand shall be divided between any city and the county in the proportion that the total assessed value of the real property of the territory of the district in the city and without the city bears to the total assessed value of the real property within the district prior to dissolution. The assessed value shall be determined according to the last prior equalized assessment roll of the county.
- Use of property** 14291. The county shall use the property and funds reverting to it upon dissolution for general fire protection purposes throughout the county.
- Tax levy** 14292. In the event a district is dissolved by proceedings under this article, by the inclusion of the whole of the district within a city, or otherwise, the property in the territory constituting the district at the time of its dissolution shall continue to be subject to tax, levied as provided in Section 14160, to pay the principal of and interest on bonds of the district outstanding at the time of such dissolution.
- (Added by Stats. 1950 First Ex. Sess., Ch. 58. Effective May 1, 1950.)

## Article 11. Reorganization

14300. Any district organized or reorganized under the act which this chapter supersedes, may be reorganized as a district under this chapter.

Reorgan-  
ization

14301. Fifty or more taxpayers and residents of a district and a majority of the district board, if any, may petition the board of supervisors of the county in which the district is situated for reorganization.

Petition:  
Who may file

14302. The petition shall be verified by at least one of the petitioners, and shall set forth the boundaries and name of the district and pray that the district be reorganized under this chapter.

Contents

14303. The petition shall be published for at least two weeks preceding the hearing in a newspaper of general circulation published in the county, with a notice stating the time when the petition will be heard and that all persons interested may appear and be heard.

Notice

14304. At the time fixed for hearing the board of supervisors shall hear the petition.

Hearing

14305. The board shall not modify the boundaries of the district as set forth in the petition so as to exclude from the district any land which would be benefited by the reorganization of the district under this chapter, nor shall any lands which would not in the judgment of the board be benefited by the reorganized district be included within the district.

Boundaries:  
Inclusion and  
exclusion

14306. The board of supervisors shall not include within the district any area of land not subdivided or any parcel of land containing more than five acres, if its owner objects in writing to the inclusion of such land within the proposed district.

Lots or  
parcels

14307. If the board of supervisors finds that the statements in the petition are correct it shall make an order describing the exterior boundaries of the territory included within the district as determined by the board and shall order that the territory be organized as a district under this chapter.

Order

14308. From and after the making of the order, the district is organized under this chapter with all the powers conferred in this chapter.

Effect of  
order:  
Powers

14309. Any district reorganized under this article is, for all purposes, the identical district theretofore formed and existing.

Identity

14310. The reorganization shall not affect or impair the title to any property owned or held by, or in trust for, the district, or any debts, demands, liabilities, or obligations existing in favor of or against the district, or any pending proceedings.

Title to  
property,  
etc.

Validity of title, etc.	14311. Any and all such titles, debts, demands, liabilities, obligations, and proceedings shall have the same validity, force and effect as if acquired, incurred, accrued, or taken while the district was organized under the provisions of this chapter.
Ordinances	14312. Reorganization shall not operate to repeal or affect in any manner any ordinance theretofore passed or adopted and remaining unrepealed, nor to discharge any person from any liability then existing for any violation of such ordinance. Such ordinances, so far as they are not in conflict with general laws shall remain in force until repealed or amended by competent authorities.
Proceedings	14313. After reorganization, proceedings theretofore commenced shall be conducted in accordance with this chapter.
Legality of existence	14314. The legality or existence of a district reorganized as provided for in this chapter shall not be affected by reason of any defect or illegality in the formation of the previously formed district. It is the intention of this article to provide a procedure for the reorganization of all districts as may not have legal existence.

## CHAPTER 1A. METROPOLITAN FIRE PROTECTION DISTRICTS

(Chapter 1a added by Stats. 1939, Ch. 836)

### Article 1. General Provisions

Area that may be organized	14325. Any city or cities, county or counties, or combination thereof, or portions of either or both, or combinations thereof, may be formed into a metropolitan fire protection district. (Added by Stats. 1939, Ch. 836.)
Purposes	14326. The purposes for which a district may be formed are: (a) The prevention and extinguishing of fires on brush covered or forest covered lands within the district. (b) The acquisition, construction, and maintenance of roads, water pipelines, fire hydrants, water tanks, pumping plants, reservoirs, firebreaks, trails, and other works necessary or convenient for the prevention and extinguishing of fires. (c) The issuance of bonds and the payment thereof and interest thereon and the expenditure of money raised thereby for carrying out the purposes for which the district is established. (Added by Stats. 1939, Ch. 836.)
Definitions	14327. As used in this chapter: "County" includes city and county. "Legislative body" means the board of supervisors of a county, the city council or board of trustees of a city, and includes any body exercising the functions of the foregoing by whatever name it may be called.



"Initiating body" means the legislative body with or by whom proceedings under this chapter are initiated. "Initiating body"

"Main county" means the county in which the district lies, and if the district lies in more than one county, the main county is the one in which the greatest portion of the district lies. "Main county"

"District" means a district organized pursuant to this chapter. "District"

(Added by Stats. 1939, Ch. 836.)

## Article 2. Resolution of Intention

14330. Any legislative body may adopt a resolution declaring its intention to form a metropolitan fire protection district under this chapter. Resolution of intention to form

(Added by Stats. 1939, Ch. 836.)

14331. The resolution of intention shall contain all of the following: Contents

(a) The name of the proposed district.

(b) A description of the boundaries of the proposed district which may be by reference to any publicly filed or recorded map.

(c) A description of what is proposed to be done by the district, which may refer to a plan on file with the initiating body.

(d) An estimate of the cost of improvements proposed to be made, acquired, constructed, or otherwise accomplished.

(e) An estimate of the annual cost of maintenance of the improvements and of the district.

(f) A statement that bonds are proposed to be issued for such improvements, and the maximum amount of the bonds.

(Added by Stats. 1939, Ch. 836.)

14332. A copy of the resolution of intention shall be forwarded immediately to the clerk of the legislative body of each city or county, all or any portion of which is proposed to be included in the district. The clerk shall present the resolution to the legislative body. Copy to each legislative body

(Added by Stats. 1939, Ch. 836.)

14333. Each legislative body to whom the resolution is presented shall, at its next regular meeting or at a special meeting prior thereto called for the purpose, adopt or reject the resolution and the clerk thereof shall transmit a statement of the action to the initiating body. Such statement shall be filed within 60 days after the adoption of the resolution by the initiating body. Adoption or rejection by each legislative body

(Added by Stats. 1939, Ch. 836.)

14334. If the legislative body of any county or city rejects the resolution, no proceedings shall be had thereunder as to that county or city pursuant to this chapter, until its legislative body shall have rescinded its action and adopted the Effect of rejection

resolution. A resolution may, however, be adopted by a city within a county, despite the rejection by the legislative body of the county.

(Added by Stats. 1939, Ch. 836.)

**Notice**

14335. Within 30 days after the expiration of the time for filing the statement of adoption or rejection, the clerk of the initiating body shall notify the clerk of each legislative body adopting the resolution to publish or post notice of hearing on the resolution and protests thereon at a time and place to be fixed by the clerk of the initiating body. Publication or posting of notice shall be completed not less than 10 days prior to the date of hearing.

(Added by Stats. 1939, Ch. 836.)

**Publication**

14336. The clerk of the legislative body of each city affected shall publish notice of the resolution and the time and place of hearing in at least one issue in a newspaper of general circulation printed and published in the city.

(Added by Stats. 1939, Ch. 836.)

**Same**

14337. The clerk of the legislative body of each county affected shall publish notice of the resolution and the time and place of hearing in at least one issue in some newspaper of general circulation printed and published in the county and circulated within the portions of the county in the proposed district not included within cities in the proposed district. If no portion of the proposed district within the county is included within a city no notice is required by this section.

(Added by Stats. 1939, Ch. 836.)

**Posting**

14338. In case no such newspaper exists or if one exists, it is not qualified to publish the notice, notice shall be given by the clerk by posting in three public places within the city, county, or area affected, as the case may be.

(Added by Stats. 1939, Ch. 836.)

**Form of  
notice**

14339. The clerk of the initiating body shall prescribe a form of notice which shall include a brief description of the purposes of the formation of the district and which may refer to the resolution of intention for further details. The expense of publication or posting shall be paid by the legislative body the clerk of which publishes or posts the notice.

(Added by Stats. 1939, Ch. 836.)

### Article 3. Hearing and Protest

**Protest**

14340. Any person objecting to the formation of the district, the boundaries thereof, or any other matter connected therewith, may file a written protest not less than 72 hours prior to the time fixed for hearing. The protest may be filed either with the clerk of the initiating body or with the clerk of the legislative body of the city or county affected which is the residence of the person protesting. If a protest is filed with a clerk other than the clerk of the initiating

body the protest shall be transmitted immediately to the initiating body.

(Added by Stats. 1939, Ch. 836.)

14341. At the time and place of hearing, the initiating legislative body shall consider all protests and hear witnesses and take evidence thereon. The hearing may be adjourned from time to time and from place to place, but not for a greater period than 30 days in all.

(Added by Stats. 1939, Ch. 836.)

14342. At the hearing the initiating body shall determine the boundaries of the district, and shall exclude from the proposed district all of the areas within the jurisdiction of legislative bodies which have rejected the resolution. The initiating body may exclude any other part of the proposed district if it finds that said part will not be benefited by being a part of the proposed district.

(Added by Stats. 1939, Ch. 836.)

14343. At the hearing the initiating body may include in the proposed district areas not included therein by the original resolution of intention, if the owners of all of the real property so included assent thereto in writing, and if the legislative body or bodies having jurisdiction over the area or areas also assent to such inclusion. Such assents shall be obtained and filed within 30 days after the original date of hearing.

(Added by Stats. 1939, Ch. 836.)

14344. In the event the initiating body, after hearing, determines that the proposed district should be formed with the boundaries as fixed and determined pursuant to this article it shall declare the district established. If the district is not so established, no proceedings shall be instituted for the formation of a district under this chapter covering all or any part of the same area until six months have elapsed after the final determination of the first proceeding.

(Added by Stats. 1939, Ch. 836.)

#### Article 4. Election on Issuance of Bonds

14345. At any time after the establishment of a district, the initiating body may adopt a resolution calling an election within the district upon the issuance of bonds. The amount of the bonds to be issued shall not exceed the amount specified in the resolution of intention.

(Added by Stats. 1939, Ch. 836.)

14346. The resolution calling an election shall specify the date of the election, the amount of the bonds to be issued, the rate of interest or a maximum rate of interest to be paid thereon, the nature of the proposed works or improvements, the estimated amount of all expenses incidental to or connected with the proposed works or improvements, and the amount of money, if any, available as contributions to such improvements from any public source whether Federal, State, or local.

(Added by Stats. 1939, Ch. 836.)



- Notice** 14347. Notice of election shall be given by the initiating body at least 30 days prior to the election by publication in at least one newspaper of general circulation circulated within the district. Publication, if in a daily paper, shall be in at least six consecutive issues, and if in a weekly paper, shall be in at least two consecutive issues. The initiating body may give such other notice as it sees fit.  
(Added by Stats. 1939, Ch. 836.)
- Procedure** 14348. The initiating body shall establish precincts within the district and designate polling places within such precincts. In all particulars not inconsistent herewith the general law governing elections shall apply to an election under this article.  
(Added by Stats. 1939, Ch. 836.)
- Date, hours** 14349. The initiating body shall fix the date of election, which may be consolidated with any other special or general election, and shall appoint all necessary officers and provide all necessary facilities for the bond election. The initiating body shall fix the hours during which the polls are to be open.  
(Added by Stats. 1939, Ch. 836.)
- Who may vote. Majority required** 14350. At the election any qualified and registered elector residing within the district may vote. If at the election a majority of the voters, voting thereat, shall vote in favor of the issuance of bonds, the initiating body is thereupon authorized to issue the bonds.  
(Added by Stats. 1939, Ch. 836.)

### Article 5. Bonds

- Bonds** 14351. Bonds issued pursuant to this chapter shall be issued as follows:
- Annual payments** (a) A part to be determined by the initiating body, which shall be not less than one-fortieth of the whole amount of the indebtedness, shall be payable annually at a date and place specified.
- Date of payments** (b) The date of the first bonds maturing may, in the discretion of the initiating body, be postponed not more than five years from the date of issuance.
- Interest** (c) The interest to be paid shall be stated upon the bond and shall not exceed the rate specified in the notice of election on issuance of such bonds.
- Denominations** (d) The denomination of the bonds shall be fixed by the initiating body, but shall not be less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) each.
- Signatures** (e) The bonds shall be signed by the chairman or other presiding officer of the initiating body and by the treasurer of the main county. Signatures may be facsimile by use of an engraved or lithographed signature.
- Coupons** (f) Interest coupons shall be numbered consecutively and signed by the treasurer of the main county, in like manner as the bonds.  
(Added by Stats. 1939, Ch. 836.)

14352. Such bonds shall be sold by or on behalf of the initiating body for not less than the face value thereof. Selling price

(Added by Stats. 1939, Ch. 836.)

14353. In case the term of office of any officer whose signature is required upon a bond or coupon expires before delivery of such bond or coupon, his signature thereon shall be valid for all purposes connected with such bond or coupon. Signatures

(Added by Stats. 1939, Ch. 836.)

14354. The proceeds of sale of all bonds so issued shall be deposited with the treasurer of the main county, and shall be withdrawn therefrom only upon the order of the initiating body or pursuant to its directions and only for the carrying out of the purposes of this chapter for which the district is organized. Proceeds

(Added by Stats. 1939, Ch. 836.)

### Article 6. Revenue and Taxation

14355. The initiating body shall annually determine the amount of money to be provided for the district for the ensuing fiscal year and shall certify the amount to the legislative body of the main county. The amount shall be sufficient to pay the principal and interest on outstanding bonds according to their tenor and the costs of maintenance of the district. Determination of amount needed

(Added by Stats. 1939, Ch. 836.)

14356. The legislative body of the main county shall apportion to the several counties the amount to be raised by taxation in each, which apportionment shall be based upon the area of land within the district lying in the several counties. Apportionment

(Added by Stats. 1939, Ch. 836.)

14357. The legislative body of each county in which all or any portion of the district lies shall annually levy a tax upon all of the real property, exclusive of improvements, within the district and within the county, in an amount sufficient to raise the sum required to be raised in such county for the district. Tax levy

(Added by Stats. 1939, Ch. 836.)

14358. If the payment of the first installment of bonds is postponed for five years or any portion thereof, the tax shall nevertheless be collected beginning the first year and the amounts thereof accumulated as a sinking fund. Sinking fund

(Added by Stats. 1939, Ch. 836.)

14359. The legislative body of the county collecting the tax shall, in fixing the rate of the tax, allow not to exceed 15 per cent for anticipated delinquencies. Rate

(Added by Stats. 1939, Ch. 836.)

14360. The tax shall be collected in the same manner and at the same time as other county taxes. Manner of collection

(Added by Stats. 1939, Ch. 836.)

14361. All sums collected as such tax shall be deposited with the treasurer of the main county, and shall be paid out Deposit

only upon the order of the initiating body or pursuant to its direction.

(Added by Stats. 1939, Ch. 836.)

### Article 7. Powers of District

Governing  
body

14365. The initiating body shall be the governing body of the district and shall make all contracts on behalf of the district.

(Added by Stats. 1939, Ch. 836.)

Contracts  
by bid

14366. All contracts for construction, completion, maintenance, or for labor, materials, or supplies, shall be let to the lowest responsible bidder.

(Added by Stats. 1939, Ch. 836.)

Bonds

14367. The initiating body may require such bonds as it deems desirable as a condition to the filing of a bid or the granting of a contract.

(Added by Stats. 1939, Ch. 836.)

Advertising

14368. The initiating body shall advertise for bids by advertising in two or more newspapers of general circulation printed and published in the district.

(Added by Stats. 1939, Ch. 836.)

Work with-  
out contract

14369. The initiating body, in lieu of calling for bids, may do any act or work itself in the manner provided by law.

(Added by Stats. 1939, Ch. 836.)

General  
powers

14370. The initiating body shall have all powers necessary or requisite for carrying out the purposes for which the district was formed.

(Added by Stats. 1939, Ch. 836.)

### Article 8. Alternative Method

Chapter  
not to  
affect other  
methods

14375. This chapter provides an alternative procedure for organizing and operating a fire protection district and shall not affect any other law providing for fire protection districts. When, however, a district is organized pursuant to this chapter, the provisions of this chapter, and none other, shall apply to such districts.

(Added by Stats. 1939, Ch. 836.)

## CHAPTER 2. COUNTY FIRE PROTECTION DISTRICTS

### Article 1. General Provisions

Area that  
may be  
organized

14400. Any portion of a county composed of unincorporated territory and not including any forest land protected by the State Board of Forestry or in a manner approved by the State Board of Forestry, may be formed into a county fire protection district pursuant to this chapter.

Inclusion  
of sixth  
class cities

14401. Any city of the sixth class adjacent to a fire protection district may be embraced and included in a district upon adoption of an ordinance by the governing body of the city declaring its intention and desire to be embraced and included within the district, and the filing of a certified copy



of the ordinance with the Secretary of State and with the board of supervisors of the county within which the district is located.

14402. From and after such filings the city is a part of the district. Same

14403. "District," as used in this chapter, means a fire protection district created pursuant to this chapter or pursuant to any law which it supersedes. "District"

14404. "Board," as used in this chapter, means the board of supervisors of the county in which the district is situated. "Board"

14405. A district formed or proposed to be formed under this chapter is not subject to any provisions of the "District Investigation Act of 1933." Exemption from Stats. 1933, p. 2142

(Amended by Stats. 1939, Ch. 222.)

14406. Whenever a fire occurs within the limits of any district and is of such proportions that it cannot be adequately handled by the fire department of the district, or whenever a fire occurs in any unincorporated territory of a county not included within a district, or whenever a fire occurs in a city and upon request of the fire chief or authorized authority of said city, the apparatus, equipment and fire fighting force of any district within the county may be used for the purpose of extinguishing the fire. Use of apparatus outside district

(Amended by Stats. 1949, Ch. 544.)

14407. (Repealed by Stats. 1943, Ch. 158.)

## Article 2. Notice and Hearing

14410. The board of supervisors of any county may determine that a portion of the unincorporated territory of the county is in need of fire protection and should be formed into a fire protection district. Determination

14411. The board shall fix a time and place for a hearing of the matter of the formation of the district and shall direct the clerk of the board to publish a notice once a week for two successive weeks in a newspaper of general circulation circulated in the territory which it is proposed to organize into a fire protection district, which the board deems most likely to give notice to the inhabitants of the proposed formation of the district. Notice: Publication

14412. The board shall direct the clerk to cause the notice to be posted in three public places in the territory, at least 10 days prior to the date set for hearing. Posting

14413. The notices shall be headed "Notice of the proposed formation of ----- County Fire Protection District in ----- County (stating the name of the proposed district and the name of the county in which the proposed district is to be located)." In the notice as posted, the heading shall be in letters of not less than one inch in height. Heading of notice

14414. The notice as published and posted shall state that the board has fixed the time and place, which shall be stated in the notice, for a hearing on the matter of the formation of a county fire protection district. Contents

Same	14415. The notice shall set forth the exterior boundaries of the territory proposed to be organized into a district. The boundaries, so far as practicable, shall be the center lines of highways.
Objections	14416. At any time prior to the time fixed for hearing, any person interested may file with the clerk written objections to the formation of the district.
Hearing	14417. At the hearing, or at any time to which it may be continued, the board shall consider and pass upon all written objections filed.
Exclusion of territory	14418. If the board overrules the objections, it shall hear any person having objection to the inclusion of any territory within the proposed district, and may exclude any territory which would not be benefited by incorporation within the district.
Determination	14419. At the conclusion of the hearing, the board may abandon the proposed establishment of a county fire protection district, or may decide to establish a district.

### Article 3. Election on Formation

Formation election: Resolution	14425. If the board decides to establish a district the board shall, by resolution, provide for and order the holding of a special election within the proposed district, and the submission to its qualified electors, of the proposition of forming the district.
Contents of resolution	14426. The resolution shall describe the boundaries of the proposed district as set forth in the notice of the proposed formation or as they may have been modified by the exclusion of territory.
Same	14427. The resolution shall: <ol style="list-style-type: none"> <li>Set forth the date of election which shall be at least 20 days after the adoption of the resolution.</li> <li>Designate one or more precincts within the boundaries of the proposed district.</li> <li>Designate a polling place in each precinct, and the names of the election officers who shall be one inspector, one judge and one clerk for each precinct.</li> </ol>
Election law	14428. In all other particulars not recited in the resolution, the election shall be held as provided by law for holding general elections in the county, except that no notice of election other than the publication and posting of the resolution need be given.
Publication	14429. The resolution ordering the holding of the election shall be published once a week for two successive weeks prior to the date set for the election, in the newspaper of general circulation circulated within the proposed district deemed by the board to be the most likely to give notice to the electors of the proposed election.
Posting	14430. The resolution shall also be posted in three of the most public places within the proposed district at least 10 days prior to the date set for the election.

14431. The ballots at the election shall state in substance **Ballots**  
the following proposition: "Shall the ----- County Fire Protection District be established," and opposite and to the right of the proposal, shall be printed the words "Yes" and "No," together with voting squares.

14432. If a majority of the votes cast are in favor of the **Result**  
establishment of the district, the board shall enter a finding to that effect upon its minutes and thereafter the district is established and organized as a county fire protection district.

#### Article 4. Powers and Duties of the Board

14440. The board is the governing body of the district and **Rules and regulations**  
may make and enforce all rules and regulations necessary for the administration and government of the district, for the furnishing of fire protection to, and for the elimination of fire hazards in, the district.

14441. The board may appoint agents and employees for **Agents and employees**  
the district sufficient to maintain and operate the property acquired for district purposes and to police the district.

14442. The board may clear any or all town lots, homesites, **Inflam-**  
villa lots, or lands immediately adjacent within the district of **matory**  
dry grass, weeds, stubble, brush, rubbish, litter, or other **material**  
inflammable material.

14443. The board may acquire real or personal property **Property**  
needful for district purposes and dispose of it when no longer needed.

14444. The board may construct any needed structures. **Construction**

14444.1. The board may authorize rescue or first aid service **Rescue**  
as a function of the district and may appoint agents and **service**  
employees and acquire needed property or equipment for such purposes, disposing of it when no longer needed.

(Added by Stats. 1949, Ch. 544.)

14445. The board may perform all other acts necessary or **Powers**  
proper to accomplish the purposes of this chapter, and not **generally**  
inconsistent with its provisions.

14446. The board may, by resolution, adopt the provisions **Civil service**  
of any charter of the county relating to civil service, and may also adopt the rules, regulations and procedures of any civil service commission of the county as they may exist at the time of the adoption of the resolution or may thereafter be changed or amended.

14446.5. In adopting the charter provisions of any county **Civil service**  
relating to civil service and the rules, regulations, and procedure of any civil service commission of the county, the board may, in its resolution of adoption, provide for either of the following:

(a) That the employees of the district shall submit to the examinations required by such charter, rules, regulations, and procedure;

(b) That all district employees, with the exception of those holding temporary appointments, in the employ of the district at the time the resolution is adopted shall continue to serve



in their respective positions without examination, subject to such changes in classes or grades of positions as may be made by the civil service commission in the exercise of its powers, or as may be provided by law.

(Added by Stats. 1939, Ch. 219.)

Commission,  
department

14447. The members of any civil service commission and the officers, attaches and employees of any civil service department of the county are ex officio the civil service commission and civil service department of the district.

Compensation

14448. The commission and the members of the department shall perform the same duties for the district as they perform for the county without additional compensation, except that the commissioners shall be reimbursed by the district for any necessary additional expenses incurred by them by reason of their performance of duties for the district.

Cost

14449. The cost to the county for the performance of the duties by the civil service commission or civil service department for the district shall be reimbursed to the county by the district.

Where  
more than  
one district

14450. In any county in which there is more than one district, the board may, by the adoption of a single resolution, designate all or any one of the districts to which such civil service rules, regulations and procedures shall apply, and when the resolution has been adopted by the board such rules, regulations and procedures are applicable to the named districts until the electors of the district, by a majority vote, instruct the board to remove the district from the operation of the rules, regulations and procedures of civil service.

Civil service

14450.5. In any county where there is more than one district, the board may, by the adoption of a single resolution, instruct the civil service commission, or department, of any county, to hold one examination for the combined districts within any such county for each rank of candidates, to establish one eligible list, and permit qualified candidates, to transfer from one district to another for appointment.

Transfer of  
employees

The board of supervisors shall, subject to such civil service rules as may be applicable, permit the transfer after appointment of district employees from one district to another in the interest of efficiency and to permit requested changes in places of assignment.

(Added by Stats. 1941, Ch. 205; amended by Stats. 1949, Ch. 544.)

Seniority

14450.6. When one or more districts are under the same governing board, a seniority list, based upon the seniority of a district employee in relation to the seniority of the employees of all the districts within the county under the same governing board may be promulgated and used in the layoff of all district employees. If a district is dissolved or included in a city either by annexation or incorporation, the employees of the district shall be laid off or transferred to another district in the county, depending upon their standing on said seniority list. Persons laid off shall be eligible for reemployment and shall

be reemployed in preference to new applicants in any district in the manner and for such period of time as may be prescribed by the rules of the Civil Service Commission.

(Added by Stats. 1949, Ch. 544.)

14451. This article does not make the employees of any district employees of the county. Employees' status

The board in any county that has adopted civil service rules, regulations and procedure consistent with charter provisions for employees of the district may, in the event that any unincorporated area of the county is embraced by the district, change to the extent permitted by the charter of the county concerned, the status of any district employee to that of county employee status without further civil service examination or any forfeiture of seniority or other rights.

The board in any county that has a regularly organized county firewarden department, the employees of which are qualified under charter provisions relating to civil service, and the rules, regulations and procedure of the civil service commission of said county, may, in the event that all or part of the unincorporated area of the county is embraced by the district, change the status of said firewarden department employees or those firewarden department employees affected by a partial embracement of unincorporated area of the county by the district, from county employees to district employees without further civil service examination or any loss of seniority or other rights. The board in any county that has a regularly organized county firewarden department may return to district status any employees thereof who qualify under the charter provisions relating to civil service and the rules, regulations and procedure of the civil service commission of said county, and who prior to becoming county employees were employed by the district for a period not less than three years continuous service without further civil service examination or any loss of seniority, or other rights.

(Amended by Stats. 1949, Ch. 544.)

14452. The board may accept donations or contributions of any kind or nature made to the district; and may expend any funds donated or contributed to the district in furtherance of the purposes of this chapter. Acceptance of donations or contributions

(Added by Stats. 1939, Ch. 381.)

14453. The board may, by resolution or order entered upon its minutes, appoint five commissioners to act as its agents in managing the affairs of the district and in exercising any or all of the powers vested in it. Commissioners so appointed shall: Commissioners to act as agents for board

(a) Hold office at the pleasure of the board and serve without compensation.

(b) Elect one of their number president and another secretary.

(c) Hold meetings periodically and as often as the business of the district may require.

(Added by Stats. 1939, Ch. 381.)

**Article 4.5. Commissioners**  
(Article 4.5 added by Stats. 1939, Ch. 218)

- Commission** 14455. The board of supervisors may, by resolution or order entered upon its minutes, appoint a commission of five commissioners to manage the affairs of the district.  
(Added by Stats. 1939, Ch. 218.)
- Term Compensation** 14455.1. The commissioners shall hold office at the pleasure of the board. They shall serve without compensation, but may be paid their actual and necessary traveling expenses while on the business of the district.  
(Added by Stats. 1939, Ch. 218.)
- Officers** 14455.2. Commissioners appointed shall organize by electing one of their number president, and by electing a secretary, who need not be a commissioner, and who may or may not be compensated for his services.  
(Added by Stats. 1939, Ch. 218.)
- Records** 14455.3. The commission shall keep a record of its proceedings and of the receipts and disbursements of the district.  
(Added by Stats. 1939, Ch. 218.)
- Rules and regulations** 14455.4. The commission has the same power as the board to make and enforce rules and regulations relating to fire prevention or fire fighting within the district.  
(Added by Stats. 1939, Ch. 218.)
- Contracts** 14455.5. The commission may enter into contracts with cities or other fire protection districts regarding the joint use of fire apparatus and equipment.  
(Added by Stats. 1939, Ch. 218.)
- Employees** 14455.6. The commission may appoint one or more fire chiefs, assistants, and regular or volunteer firemen, and pay them with warrants or claims drawn upon the funds of the district.  
(Added by Stats. 1939, Ch. 218.)
- Powers and liabilities** 14455.7. The commissioners, and any fire chiefs, assistants, and regular or volunteer firemen appointed by them, have the same authority and are subject to the same laws as the members of any city or other fire department in respect to trespass, the setting of backfires, policing, and the use of special equipment on automobiles.  
(Added by Stats. 1939, Ch. 218. Section of same number added by Stats. 1947, Ch. 1226.)
- Ambulances** 14455.7. The commissioners may purchase, acquire, lease, operate and maintain ambulances whenever necessary and may take out liability and other insurance therefor. They may employ trained personnel to operate these vehicles.  
(Added by Stats. 1947, Ch. 1226. Section of same number added by Stats. 1939, Ch. 218.)

**Article 5. Ordinances of the Board**

- Ordinances and resolutions** 14460. The board of supervisors as governing body of any district may adopt such ordinance or resolution as it may deem proper to prevent fires and conflagrations.



14461. The ordinance or resolution shall be signed by the members of the board and published in a newspaper printed in the district, or posted in three of the most public places, for a period of two weeks, at the end of which time it is a law for the government of the inhabitants of the district.

Execution,  
publication,  
posting

14462. The ordinance or resolution may provide for and require the cleaning of town lots, homesites, villa lots, or lands immediately adjacent within the district of dry grass, weeds, stubble, brush, rubbish, litter, or other inflammable material.

Provisions:  
Cleaning of  
premises

14463. The ordinance or resolution may authorize the proper authorities to enter upon and clean such premises upon default of the owner to clean them after due notice and warning, and to collect the cost of cleaning by adding the cost to the taxes assessed to the owner.

Failure of  
owner to  
clean

14464. The ordinance may provide that posting of notice and warning to remove inflammable material in a conspicuous place on the premises affected for a period of not less than five days before the meeting of the board at which it authorizes the cleaning of the premises by the proper authorities and the assessing of the cost to the owner of the premises, is sufficient notice and warning.

Notice and  
warning:  
Posting

14465. The ordinance shall specifically set forth the manner and form of giving notice and warning, and shall provide for a hearing and protest of the owner of the premises before the board.

Manner of  
giving,  
hearing

14466. The board may submit the ordinance or resolution to the electors of the district for approval or rejection, upon such notice and at such special or general election, as it deems proper.

Submission  
to electors

## Article 6. Duties of Division of Forestry

14470. The Chief of the Division of Forestry, with the approval of the Director of the State Department of Natural Resources shall upon the written request of any county board of supervisors exercise a general supervision over and make and enforce all necessary and proper rules and regulations relating to the following:

Supervision  
by Chief,  
Division of  
Forestry

(a) The type and nature of all fire prevention and fire fighting implements and apparatus purchased by any district and its location in the district.

(b) The maintenance and upkeep of all implements and apparatus purchased by the district.

(c) The maintaining and increasing of the efficiency of the fire prevention and fire fighting organization of the district.

(d) The reporting of cause, extent, and damage resulting from each fire within the district.

14471. The board shall upon the request of the Chief of the Division of Forestry provide him with an accurate description of the boundaries of each district within the county and a map on which the boundaries are plainly and accurately delineated.

Boundaries  
and map

## Article 7. Finance and Taxation

**Annual tax** 14480. The board shall levy a tax each year upon all taxable property, real, personal or mixed in each district sufficient to defray the cost of maintenance and to meet such other expenditures as are authorized.

(Amended by Stats. 1939, Ch. 418.)

**Amount of tax** 14480.1. The board may determine the amount of the tax to be levied upon property within the incorporated areas of the district and the amount of the tax to be levied upon property within unincorporated areas of the district. The tax levied within incorporated areas of the district may be sufficiently higher than that levied in unincorporated areas to defray costs of acquiring and maintaining fire fighting implements, apparatus, and equipment, including water mains, hydrants and water, which are provided for and usable solely in protecting property within the incorporated area from loss or damage by fire.

(Added by Stats. 1939, Ch. 418.)

**Special tax for interest, etc.** 14480.2. A special tax shall be levied and collected for the payment of interest on bonds and for the retirement of bonds issued pursuant to this chapter. Such special tax shall be levied each year until said bonds are paid or until there shall be a sum in the bond service fund sufficient to meet all sums to become due for the principal of and interest on such bonds. Such special tax shall be sufficient to pay the interest on such bonds as the same becomes due, and also such part of the principal thereof as shall become due before the proceeds of a tax levied at the time for making the next general tax levy can be made available for the payment of such principal; provided, however, that if the maturity of such bonds be made to begin more than one year after the date of such bonds, such special tax shall be sufficient to pay the interest on such indebtedness as it falls due and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. Said special tax shall be levied at a rate uniform throughout the district and the provisions of Section 14480.1 shall not apply to said special tax. All money derived from such tax shall be kept by the county treasurer in a special bond service fund and shall be paid by the treasurer for the payment of any matured bond or interest coupon upon presentation thereof.

(Added by Stats. 1947, Ch. 1345; amended by Stats. 1949, Ch. 741.)

**Anticipated delinquencies** 14480.3. The board shall, in fixing the rate of the tax, allow not to exceed 15 percent for anticipated delinquencies.

(Added by Stats. 1947, Ch. 1345.)

**Collection** 14480.4. The special tax for bonds shall be collected in the same manner and at the same time as other county taxes.

(Added by Stats. 1947, Ch. 1345.)

**Cost of issuance** 14480.5. All costs incurred by the county in connection with the issuance of bonds pursuant to Article 7.7 of this chapter

shall be reimbursed to it by the district for whose account the bonds are issued.

(Added by Stats. 1947, Ch. 1345.)

14480.6. The board may establish a fund or funds for capital outlays to finance the construction of fire stations, installation of fire alarm systems, purchase of fire apparatus, and any other needed facilities. If such a fund is established, the board shall declare the purposes for which the fund is to be used and shall include in the annual tax levy for the district an item stating the amount to be included for such purposes.

Establishment of capital outlay fund

(Added by Stats. 1949, Ch. 544.)

14480.7. At any time after the creation of a capital outlay fund, the board may transfer to such fund any unencumbered surplus funds remaining to the credit of the district at the end of any fiscal year.

Transfer of surplus funds

(Added by Stats. 1949, Ch. 544.)

14480.8. Whenever a capital outlay fund is established, it shall be used only for the purposes specified at the time the fund was established except that if it is found that the fund is no longer necessary or that there remain in the fund moneys which are no longer required for such purposes, the board shall discontinue the fund or transfer so much thereof as is no longer required for such purposes to the district general fund.

Use and discontinuance

(Added by Stats. 1949, Ch. 544.)

14481. The tax shall be levied and collected at the same time and in the same manner as taxes levied for county purposes and when collected shall be paid into the county treasury and shall be used in furtherance of the purposes of this chapter with respect to the district within which collected and for no other purpose.

Levy and collection

14482. If any taxes are collected pursuant to this chapter, and it is subsequently determined by a court of competent jurisdiction that the district was not legally formed or created by reason of a failure to comply with any provision of this chapter, any person who has paid taxes levied pursuant to this chapter is entitled to a return of any taxes so paid upon the filing of a verified claim or demand for refund with the board of supervisors of the county in which the district lies, within six months after the time it is finally determined that the attempted formation of the district was ineffectual or invalid if any proceeds of the tax are on hand in the county treasury.

Refunds

14483. At the expiration of the time within which claims for refunds may be made, all money then on hand shall be divided between the county in which the district is located, and any cities which may have within their corporate limits any of the territory embraced within the boundaries of the district declared invalid, in such proportion as the area of the district lying within the county and city, respectively, bears to the entire area of the district.

Division of funds



- Use of funds divided** 14484. Any funds so divided shall be used by the city or county, as the case may be, to which apportioned, for fire protection purposes only.
- Warrants: Interest** 14485. All warrants for the payment of any indebtedness of a district which are unpaid for want of funds, shall bear 7 per cent interest from the date of registry as unpaid with the county treasurer.
- Amount** 14486. The amount of such warrants shall not exceed the income and revenue provided for the year in which the indebtedness was incurred.

### Article 7.5. Capital Outlays

(Article 7.5 added by Stats. 1945, Ch. 342)

- Establishment of capital outlay fund** 14490. The board upon request of the commission of the district may establish a fund for capital outlays. If such a fund is established, the board shall include in the annual tax levy for the district an item stating the amount to be included for this purpose.  
(Added by Stats. 1945, Ch. 342.)
- Transfer of surplus funds** 14491. At any time after the creation of a capital outlay fund, the board may transfer to such fund any unincumbered surplus funds remaining to the credit of the district at the end of any fiscal year.  
(Added by Stats. 1945, Ch. 342.)
- Use and discontinuance** 14492. Whenever a capital outlay fund is established, it shall be used only for such purpose, except that if it is found that the fund is no longer necessary or that there remain in the fund moneys which are no longer required for such purpose, the board shall discontinue the fund or transfer so much thereof as is no longer required for capital outlay purposes to the district general fund.  
(Added by Stats. 1945, Ch. 342.)

### Article 7.7. Bonds

(Article 7.7 added by Stats. 1947, Ch. 1345)

- Bonds: When needed** 14495. If the structure or structures, or the acquisition of real or personal property, needful for district purposes reasonably requires an immediate expenditure in excess of available funds of the district derived from ordinary taxation, the board may, and on the written request of the commission of the district evidenced by its resolution adopted by the unanimous vote of its members shall, adopt a resolution calling an election within the district upon the issuance of bonds therefor in the name of the county in which the district is located. The amount of the bonds to be issued shall not exceed the amount specified in the resolution calling the election.  
(Added by Stats. 1947, Ch. 1345.)
- Resolution** 14495.1. The resolution calling an election shall specify the date of the election, the amount of the bonds to be issued, the rate of interest or a maximum rate to be paid thereon, and the

nature of the proposed structure or improvement or of the property to be acquired.

(Added by Stats. 1947, Ch. 1345.)

14495.2. Notice of election shall be given by the board at least 30 days prior to the election by publication in at least one newspaper of general circulation circulated within the district. Publication, if in a daily paper, shall be in at least six consecutive issues, and if in a weekly paper shall be in at least two consecutive issues. The board may give such other notice as it sees fit.

Notice of election

(Added by Stats. 1947, Ch. 1345.)

14495.3. The board shall establish precincts within the district and designate polling places within such district. In all particulars not inconsistent herewith, the general law governing elections shall apply to an election under this article.

Polling places, etc.

(Added by Stats. 1947, Ch. 1345.)

14495.4. The board shall fix the date of election, which may be consolidated with any other special or general election, and shall appoint all necessary officers and provide all necessary facilities for the bond election. The board shall fix the hours during which the polls are to be open.

Date of election

(Added by Stats. 1947, Ch. 1345.)

14495.5. At the election any qualified and registered elector residing within the district may vote. If at the election a majority of the voters, voting thereat, shall vote in favor of the issuance of the bonds, the board is thereupon authorized to issue the bonds.

Election

(Added by Stats. 1947, Ch. 1345.)

14495.6. While issued in the name of the county in which the district is located, bonds issued pursuant to this article are not general obligations of the county but are special obligations payable solely out of revenue to be derived from taxation of property within the district for whose account and purposes the bonds are issued. It shall be plainly stated on the face of each bond that said bond is payable only from the revenues derived from taxes levied and collected on property within the district for whose account and purposes the bonds are issued, and that said bonds do not constitute an indebtedness of the county in whose name same are issued.

Payment

(Added by Stats. 1947, Ch. 1345.)

14495.7. Bonds issued pursuant to this chapter shall be issued as follows:

Issuance

(a) A part to be determined by the board, which shall be not less than one-thirtieth of the whole amount of the indebtedness, shall be payable annually at a date and place specified.

(b) The date of the first bonds maturing may, at the discretion of the board, be postponed not more than five years from the date of issuance.

(c) The interest to be paid shall be stated upon the bond and shall not exceed the rate specified in the notice of election on issuance of such bonds.

(d) The denomination of the bonds shall be fixed by the board, but shall not be less than one hundred dollars (\$100) or more than one thousand dollars (\$1,000) each.

(e) The bonds shall be signed by the chairman or other presiding officer of the board and by the treasurer of the county in which the district is located. Signatures may be facsimile by use of an engraved or a lithographed signature.

(f) Interest coupons shall be numbered consecutively and signed by the treasurer of the county in which the district is located, in like manner as the bonds.

(Added by Stats. 1947, Ch. 1345.)

Sale

14495.8. Such bonds shall be sold by, or on behalf of, the board for not less than the face value thereof.

(Added by Stats. 1947, Ch. 1345.)

Signature

14495.9. In case the term of office of any officer whose signature is required upon a bond or coupon expires before delivery of such bond or coupon, his signature thereon shall be valid for all purposes connected with such bond or coupon.

(Added by Stats. 1947, Ch. 1345.)

Proceeds

14495.10. The proceeds of sale of all bonds so issued shall be deposited with the treasurer of the county in which the district is located for the account of the district general fund, and shall be withdrawn therefrom only upon the order of the district and only for the carrying out of the purposes for which the bonds were issued.

(Added by Stats. 1947, Ch. 1345.)

## Article 8. Title to Property

Title to  
property

14500. The title to all property acquired for a district is vested in the county in which the district is located.

On annexa-  
tion to one  
city

14501. Whenever all of the territory in a district is annexed to, or otherwise included within, any city, the district is dissolved and its property becomes the property of the city.

Transfer  
of funds

14502. All money in the county treasury to the credit of the district or of any district fund, shall be transferred to the treasury of the city and shall be used for the purposes for which it was available prior to the transfer and none other.

Outstanding  
liabilities

14503. Upon such annexation or inclusion, the city becomes liable for all outstanding liabilities of the district incurred prior to its dissolution; provided, however, that the principal of and interest on any outstanding bonds issued for the account of the district shall continue to be paid from the proceeds of special taxes levied by the board, as provided in Section 14480.2, upon the property in the territory constituting the district at the time of its dissolution.

(Amended by Stats. 1949, Ch. 741.)

On annexa-  
tion to two  
or more  
cities

14504. Whenever all of the territory of a district is annexed to, or otherwise included within, two or more cities, the district is dissolved, and the board shall apportion the property of the district and its unexpended funds between the cities in proportion to the respective assessed valuations of the property annexed to each city.



14505. Upon such annexation or inclusion each city becomes liable for its proportion, computed as above, of all the outstanding liabilities of the district incurred prior to its dissolution; provided, however, that the principal of and interest on any outstanding bonds issued for the account of the district shall continue to be paid from the proceeds of special taxes levied by the board, as provided in Section 14480.2, upon the property in the territory constituting the district at the time of its dissolution.

Outstanding  
liabilities

(Amended by Stats. 1949, Ch. 741.)

14506. Any property or equipment of the district not capable of apportionment may be sold at public auction as in the case of other county property not required for public use and the proceeds of sale shall be apportioned between the respective cities as above provided.

Sale of  
property

### Article 9. Annexation

14510. At any time after the establishment of a district the board may determine that territory, whether or not it is contiguous to the district, should be annexed to the district. Any territory so annexed shall include all of the real estate and improvements of the parcel involved.

Determi-  
nation

(Amended by Stats. 1949, Ch. 544.)

14511. The board shall fix a time and place for the hearing of the matter of the annexation and shall direct its clerk to publish a notice once a week for two successive weeks in a newspaper circulated in the territory which it is proposed to annex which the board deems most likely to give notice to the inhabitants of the territory.

Notice:  
Publication

14512. The notice shall be headed "Notice of the proposed annexation of territory to the ----- County Fire Protection District in ----- County," stating the name of the district and county, and shall contain a statement of the time and place for hearing on the matter.

Contents

14513. The notice shall designate the territory proposed to be annexed.

Same

14514. At the time and place of hearing, or at any time to which it is continued, the board shall hear any person objecting to the annexation or objecting to the annexation of any portion of the territory.

Objections

14515. At the conclusion of the hearing the board may refuse to annex any territory to the established district or it may include all or a portion of the territory proposed to be annexed. If the board determines to annex any territory it shall so declare by resolution and thereupon the territory is annexed to the district for all purposes of this chapter.

Refusal

Resolution

**Tax levy** 14516. Property in territory annexed to the district shall, from and after the date of such annexation, be subject to tax, levied as provided in Section 14480.2, to pay the principal of and interest on bonds issued for the account of the district outstanding at the time of such annexation.  
(Added by Stats. 1949, Ch. 741.)

### Article 10. Consolidation

**Determination** 14525. At any time after the establishment of two or more districts in any county, the board may determine that any two or more of the districts, whether or not they are contiguous, should be consolidated.

**Blanketing of employees** 14525.1. Upon the consolidation of two or more districts, the employees of each district named shall be blanketed into the employment of the consolidated district. The relative standing with respect to seniority and position of all employees blanketed into the employment of the consolidated district shall be determined upon the basis of their position and seniority credits to which each such employee was entitled by virtue of his prior service in the districts.

(Added by Stats. 1949, Ch. 544.)

**Notice: Publication** 14526. The board shall fix a time and place for hearing the matter of consolidation of the districts and shall direct its clerk to publish a notice once a week for two successive weeks in a newspaper or newspapers circulated in each of the districts which it proposes to consolidate, and which the board deems most likely to give notice to the inhabitants of the districts.

**Contents** 14527. The notice shall be headed "Notice of the proposed consolidation of ----- County Fire Protection District and ----- County Fire Protection District," stating the names of the districts proposed to be consolidated and shall contain a statement of the time and place fixed by the board for hearing the matter.

**Same** 14528. The notice shall state that it is proposed to consolidate into one district all of the territory within the named districts.

**Objections** 14529. At the time and place fixed for hearing or at any time to which the hearing may be continued, the board shall hear any person objecting to the consolidation.

**Refusal or order** 14530. At the conclusion of the hearing the board may refuse to consolidate any of the districts or it may order the consolidation of any or all of the districts proposed to be consolidated.

**Resolution** 14531. If the board determines to consolidate any of the districts it shall so declare by resolution stating the name by which the consolidated district shall be known.

**Assumption of liabilities** 14532. The district resulting from the consolidation of two or more districts shall become liable for all outstanding liabilities of the districts consolidated, including the principal of and interest on any outstanding bonds of any of the districts con-

solidated. Such principal and interest shall be paid from the proceeds of taxes levied as provided in Section 14480.2 upon the property in the district created by the consolidation.

(Added by Stats. 1949, Ch. 741.)

### Article 11. Withdrawal Upon Inclusion in City

14540. Whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion shall be withdrawn from the district. Withdrawal

(Amended by Stats. 1951, Ch. 1283.)

14541. (Repealed by Stats. 1951, Ch. 1283. See note following Section 14008.)

14542. (Repealed by Stats. 1951, Ch. 1283. See note following Section 14008.)

14543. (Repealed by Stats. 1951, Ch. 1283. See note following Section 14008.)

14544. (Repealed by Stats. 1951, Ch. 1283. See note following Section 14008.)

14545. (Repealed by Stats. 1951, Ch. 1283. See note following Section 14008.)

14546. (Repealed by Stats. 1951, Ch. 1283. See note following Section 14008.)

14547. (Repealed by Stats. 1951, Ch. 1283. See note following Section 14008.)

14548. No withdrawal of territory becomes final unless and until any contract for furnishing water to the district has expired or has been canceled or modified, with the consent of the parties, so that the district is relieved of the obligation to pay for future water supply within the territory withdrawn. Water contract

14549. Upon the withdrawal of any territory of a district, all property acquired for the district and all funds remaining on hand on the date of withdrawal shall be divided between the city and the remaining district in proportion to the assessed value of the real property of the territory so withdrawn and the portion remaining. All taxes collected by the district after the date of withdrawal on real property so withdrawn shall be paid over to the city. Division of funds and property

(Amended by Stats. 1951, Ch. 860.)

14550. Property in territory withdrawn or detached from a district, whether by inclusion within a city, by proceedings taken following inclusion within a city, by proceedings taken upon a petition, or otherwise, shall continue to be subject to tax, levied as provided in Section 14480.2, to pay the principal of and interest on bonds issued for the account of the district and outstanding at the time of such withdrawal or detachment. Tax levy

(Added by Stats. 1949, Ch. 741.)

14551. (a) When land, upon which there are structural improvements owned, being acquired or leased by a district, is withdrawn from the district and included in a city by incorporation, annexation or otherwise, the city shall, if it succeeds to the rights of the district in such structural improvements, as a part of the division of property provided for in Section 14549, Assumption of liability



assume the outstanding liability of the district in connection with the acquisition or leasing of such improvements.

Notice of  
annexation

(b) In every case where land, upon which there is a structural improvement owned, being acquired or leased by a district, is proposed to be annexed to a city, the clerk of such city shall cause written notice of such proposed annexation to be mailed to the governing body of such district. Such notice shall be sent not less than 10 days before the first public hearing upon such proposed annexation.

(Added by Stats. 1951, Ch. 985.)

### Article 12. Withdrawal Upon Petition

Withdrawal

14560. Any portion of a district which will not be benefited by remaining within the district, may be withdrawn from it.

Petition

14561. Fifty or more freeholders within the portion desired to be withdrawn from the district, or a majority of such freeholders, if there are less than 100 freeholders within the portion sought to be withdrawn, may file a petition with the board requesting the withdrawal of the portion from the district on the ground that it will not be benefited by remaining in the district.

Hearing:  
Time for

14562. The board shall fix a time for hearing the petition and protests to the continuance of the remaining territory as a district.

Same

14563. The time of hearing shall be not less than 10 nor more than 30 days after the receipt of the petition.

Notice:  
Publication

14564. The board shall, at least a week prior to the time so fixed, publish a notice of hearing by one insertion in a newspaper circulated in the district, which the board deems most likely to give notice to its inhabitants of the proposed withdrawal.

Posting

14565. The notice shall also be posted in three of the most public places in the district, one of which shall be within the portion of the district desired to be withdrawn, at least one week prior to the time fixed for hearing.

Objections

14566. Any person interested may appear at the hearing and object to the withdrawal of the portion from the district, or to the continuance of the remaining territory as a district.

Grant of  
petition

14567. The board shall consider and pass upon the objections, and if it finds that the portion of the district sought to be withdrawn will not be benefited by remaining in the district, and that the territory not sought to be withdrawn will be benefited by continuing as a district, it shall grant the petition.

Vesting of  
property

14568. Upon the withdrawal of any territory from a district, all property acquired for the district remains vested in the county and shall be used for the purposes of the district.

### Article 13. Dissolution

Dissolution

14580. Any district may be dissolved by the board.

Petition

14581. Fifty or more freeholders and residents of such district, or a majority of such freeholders and residents if there

are less than 100 freeholders and residents in the district, may file a petition with the board, requesting the dissolution of the district.

14582. The board shall fix a time for hearing the petition, which shall be not less than 10 nor more than 30 days after the receipt of the petition, and shall at least one week prior to the time so fixed, publish a notice of the hearing by one insertion in a newspaper of general circulation circulated in the district. Notice

14583. At the time appointed for hearing, or at any time to which the hearing may be continued, the board shall hear and pass upon the petition, and any objections which may be made to the granting of the petition. Objections

14584. The board shall consider and pass upon the objections and may either deny the petition for dissolution or, by resolution, call an election upon the proposition of dissolution of the district. Election, etc.

14585. The resolution shall specify the date of the election which shall be held not less than 20 days after the adoption of the resolution. Resolution:  
Date of election

14586. The resolution shall also designate one or more precincts within the boundaries of the district, a polling place in each precinct, and the names of the election officers, who shall be one inspector, one judge, and one clerk, in each precinct. Designation of precincts, etc.

14587. In all other particulars the election shall be held as provided by law for holding a general election in the county. Election law

14588. No notice of election other than the publication and posting of the resolution need be given. Notice

14589. The resolution ordering the election shall be published once a week for two successive weeks prior to the date set for the election, in the newspaper of general circulation circulated within the district, and deemed by the board to be most likely to give notice of the election to the electors. The resolution shall also be posted in three of the most public places within the district at least 10 days prior to the date of election. Publication and posting

14590. The ballots used at the election shall state in substance the following proposition: "Shall the ----- County Fire Protection District in ----- County (stating the name of the district and the name of the county in which it is located) be dissolved," and opposite the proposition shall be printed the words "Yes" and "No" with appropriate voting squares. Ballots

14591. If a majority of the votes cast are in favor of the dissolution of the district, the board shall enter a finding to that effect upon its minutes and the district is dissolved. Finding

14592. Upon the dissolution of any district pursuant to this article, the property of the district remains the property of the county in which the district is located and may be used, together with any money remaining in the funds of the district, for general fire protection purposes throughout the county. Vesting of property

Dissolution  
by order  
of board

14593. Whenever it shall appear that because of withdrawals of territory there remains in any district only territory which will not be benefited by the continued existence of the district either because such remaining territory is uninhabited or because it contains no improvements which need fire protection the board may without notice, hearing or election order the district dissolved forthwith.

(Added by Stats. 1941, Ch. 76.)

Tax levy

14594. In the event that a district is dissolved as a result of an election therein, by order adopted pursuant to Section 14593, or otherwise, the property in the territory constituting the district at the time of its dissolution shall continue to be subject to tax, levied as provided in Section 14480.2, to pay the principal of and interest on any bonds issued for the account of the district and outstanding at the time of such dissolution; provided, that this section shall not apply in the case of the dissolution of a district by reason of its consolidation with one or more other districts, which case shall be governed by the provisions of Section 14532.

(Added by Stats. 1949, Ch. 741.)

Exception

#### Article 14. Creation of Special Fire Protection Zones

(Article 14 added by Stats. 1949, Ch. 583)

Resolution

14598. The board of supervisors shall have power by resolution on its own motion to initiate proceedings for creation of a special fire protection zone in the district for purpose of paying for installation of capital improvements such as fire mains, fire plugs, or any other similar improvement which is of sole benefit to the territory in said zone, or for purchase of equipment or employment of personnel over and above the equipment and personnel which the district can afford to furnish to said zone out of its general district tax.

(Added by Stats. 1949, Ch. 583.)

Contents

14598.1. Said resolution initiating said proceedings shall describe the boundaries of said special fire protection zone, declaring that public interest and necessity demands its creation and the reasons therefor and therein set a date for public hearing on the question of creation of said zone before the board of supervisors.

(Added by Stats. 1949, Ch. 583.)

Notice

14598.2. Notice of said hearing shall be given by publication of a copy of said resolution in a newspaper of general circulation published and printed in said county, and by posting copies thereof, one in each of at least three public places in said proposed zone, at least thirty (30) days prior to date of hearing.

(Added by Stats. 1949, Ch. 583.)

Objections

14598.3. Any person interested, at or before said hearing, may file with the clerk of the board a written objection to the creation of said zone or to the inclusion of his property in it. At said hearing the board shall hear and determine all protests



and objections. At the conclusion of the hearing the board shall decide and determine whether the district shall be formed with the boundaries as described in the original resolution, except that it may revise the proposed boundaries by reducing the size of said district. A copy of the order creating said special zone describing the territory thereof, accompanied by a plat thereof, shall be filed with the agencies designated in and as required by Sections 54900, 54901 and 54902 of the Government Code.

Hearing

Filing copy  
of order

(Added by Stats. 1949, Ch. 583.)

14598.4. On and after the date of creation of said special fire protection zone, subject to the provisions of said Sections 54900, 54901 and 54902 of the Government Code, the board shall have the power and duty to levy on all taxable property in said zone a tax for expenditures for such purposes provided for in the resolution which it determines to be for the sole benefit of said zone.

Tax levy

(Added by Stats. 1949, Ch. 583.)

14598.5. Any special zone so created may be abolished by resolution of the board of supervisors after hearing held in the manner provided for in this article for the original creation of the zone, whenever the board determines that the public interest and necessity mentioned in the original order of creation no longer exists.

Abolishment

(Added by Stats. 1949, Ch. 583.)

### CHAPTER 3. FIRE PROTECTION DISTRICTS IN ONE OR MORE COUNTIES

#### Article 1. General Provisions

14600. Contiguous unincorporated territory lying within one or more counties and not included in any other fire protection district and not including timber land patrolled by the State Board of Forestry or in accordance with its rules and regulations, may be formed into a county fire protection district in the manner provided in this chapter.

Territory  
that may be  
organized

14601. "District," as used in this chapter, means a fire protection district formed pursuant to this chapter or pursuant to any law which it supersedes.

"District"

14602. "Directors," as used in this chapter, means the board of directors of a district.

"Directors"

14603. A district formed or proposed to be formed under this chapter is not subject to any provisions of the "District Investigation Act of 1933."

Exemption  
from  
Stats. 1933,  
p. 2142

(Amended by Stats. 1939, Ch. 222.)

14604. The title to all property which may have been acquired for a district is vested in the district.

Title to  
property

14605. Whenever any district is dissolved all of its property shall be disposed of to the highest bidder, and the proceeds, together with all money in the county treasury to the credit of any fund of the district, shall upon dissolution be applied to the maintenance and repair of the highways in the district.

Disposal of  
property on  
dissolution

## Article 2. Petition and Hearing

- Petition** 14610. Twenty-five per cent or more of the holders of title or evidence of title to lands lying in one body and whose names appear as such upon the next preceding county assessment rolls may petition the board of supervisors of the county in which the land or the greater portion of it lies, setting forth the exterior boundaries of the proposed district, and asking that the district so described be formed into a district.
- Resolution** 14611. The board of supervisors shall pass a resolution declaring their intention to organize the territory into a district, naming the district and describing its exterior boundaries.
- Notice** 14612. The resolution shall fix a time and place for hearing not less than 30 days after its adoption and direct the clerk of the board of supervisors to publish the notice of intention to form the district, and of the time and place fixed for hearing, and shall designate some newspaper of general circulation published in the county and circulated in the proposed district, or if there is no newspaper so published and circulated, then in some newspaper of general circulation circulated in the proposed district.
- Heading of notice** 14613. The notice shall be headed "Notice of the proposed formation of ----- County Fire Protection District in ----- County (stating the name of the proposed district and the name of the county or, if there is more than one county, the names of all of the counties)."
- Contents** 14614. The notice shall state the fact that the board of supervisors has fixed the time and place, which shall be stated in the notice, for hearing the matter of the formation of the district.
- Same** 14615. The notice shall describe the territory or shall specify the exterior boundaries of the territory proposed to be organized into a district, which boundaries, so far as practicable, shall be the center lines of highways.
- Publication** 14616. The notice shall be published once a week for two successive weeks prior to the time fixed for hearing in the newspaper designated by the board.
- Objections** 14617. At or prior to the time fixed for hearing, any person interested may file with the clerk of the board written objections to the formation of the district.
- Hearing** 14618. At the hearing, or at any time to which it may be adjourned, the board of supervisors shall hear and pass upon the objections filed, if any.
- Action on objections and boundaries** 14619. The board may sustain any or all of the objections filed and change or alter the boundaries of the proposed district to conform to the needs of the district and to exclude any land that will not be benefited by the formation of the district.
- Inclusion of lands** 14620. Any owner of lands adjacent to the district may, by written application filed with the board at or before the time of the hearing, in the discretion of the board, have such lands included within the proposed district. Other lands not

included in the proposed district by the original petition may not be included in the district.

14621. Upon the hearing the board shall determine whether or not the petition complies with the requirements and purposes of this chapter, and shall hear all competent and relevant testimony offered in support or in objection to the petition. Hearing

14622. The board shall by resolution determine whether or not the proposed district shall be formed and the determination shall be entered upon its minutes. Resolution

14623. When the boundaries of the proposed district are established by the board, it shall make an order dividing the district into three or five divisions as nearly equal in size as practicable. Divisions

14624. The divisions shall be numbered consecutively and constitute election precincts for the district. Same

14625. One director, who shall be a resident of the precinct for which he is elected, shall be elected by each precinct, except when requested in the petition, three directors who are residents of the district, shall be elected at large by the district. Directors

### Article 3. Election on Organization

14630. If the board determines that a district should be formed it shall give notice of an election to be held in the proposed district for the purpose of determining whether or not the district shall be formed. Notice of election

14631. The notice shall designate a name for the proposed district and describe the boundaries of the precincts, when more than one, together with a designation of the polling places and board of election for each precinct. Contents

14632. The notice shall be published once a week for at least three weeks previous to the election in a newspaper published or circulated within the boundaries of the proposed district and published within the county in which the petition for the organization of the district was presented. Publication

14633. The notice shall require the electors to cast ballots which shall contain the words "----- County Fire Protection District—Yes" or "----- County Fire Protection District—No" or their equivalent, and also the names of persons to be voted for to fill the office of director. Ballots

14634. The election shall be conducted as nearly as practicable in accordance with the general laws of the State, but no particular form of ballot is required. Election law

14635. Holders of title or evidence of title to lands within the district, and no others, are qualified and entitled to vote either in person or by proxy at any election. Electors

14636. No person shall cast a vote by proxy unless his authority to do so is evidenced by an instrument in writing acknowledged before a notary public and filed with the election board. Proxies

14637. The board of supervisors shall on the first Monday succeeding the election, or at its next succeeding general or Canvass of votes



Order	special session, canvass the votes and if it appears that a majority of all votes cast in the district, and in each portion of the counties included in the district in case lands in more than one county are included, are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare the territory organized as a district and shall declare the persons receiving respectively the highest number of votes for directors, to be elected.
Filing of order, etc.	14638. The board shall cause a copy of the order certified by the clerk of the board to be immediately filed for record in the office of the county recorder of the county in which any portion of the lands embraced in each district is situated, and shall immediately forward a copy to the clerk of the board of supervisors of each of those counties.
Completion of organization	14639. From and after such filings the organization of the district is complete.
Inclusion within second district	14640. No board of supervisors shall, after the date of the organization, allow another fire protection district to be formed which includes any portion of the lands in the district without the consent of the landowner.

#### Article 4. Government of District

Directors	14650. The directors elected shall immediately enter upon their duties.
Terms	14651. Excepting the members of the first board, they shall hold office for a term of three years from and after their election and until their successors are elected and qualified.
First directors	14652. The members of the first board of directors shall at their first meeting so classify themselves by lot that one of their number goes out of office on the second Monday of April of the year next succeeding the first election; one on the second Monday of April of the second year succeeding; and one on the second Monday of April of the third year succeeding.
Organization	14653. After classification the directors shall organize as a board, elect a president from their number, and appoint a secretary who shall each hold office during the pleasure of the board.
Annual election	14654. After the first election, an election shall be held each year on the last Friday in March at which one director shall be elected.
Uncontested election	14654.5. If on the fortieth day prior to the day fixed for the general district election it appears that only one person has been nominated for the position of member of the board of directors to be filled at that election and a petition signed by five percent (5%) of the qualified electors in the district, requesting that the general district election in the district be held, has not been presented to the board of directors of the district, an election shall not be held, but the board of supervisors at a regular or special meeting held prior to the day fixed for the election shall appoint to the position the person who has been nominated. If no person has been nominated, the board of

supervisors shall appoint any qualified person to the position. Appointment  
The person appointed shall qualify and take office and serve exactly as if elected at a general district election.

In such instances the publication provided for in Section Publication  
14655 shall, instead of calling an election, state that no election is to be held and that the board of supervisors will appoint a member of the board of directors.

(Added by Stats. 1947, Ch. 1206.)

14655. Notice of the election shall be given by the directors Notice  
by posting in three public places within the district for at least two weeks before the election and, in a newspaper printed or published in the district by publication in such newspaper, at least twice within 30 and not less than five days prior to the election. If there be more than one such newspaper, the one of most general circulation shall be selected. If there be no newspaper published in the district, then said publication shall be in the county in which the district has the greatest portion, and which is of the most general circulation in said district.

(Amended by Stats. 1945, Ch. 984.)

14656. The board of directors shall appoint an election board Election  
which shall consist of a judge, an inspector and two clerks. board

(Amended by Stats. 1945, Ch. 985.)

14657. The board of directors may fix the polling place and Polling  
hours when polls shall be open. Whenever practicable, the poll- places  
ing places used for school elections shall be designated.

(Amended by Stats. 1945, Ch. 986.)

14658. The elections shall be conducted in accordance with Election  
the provisions of the general election laws except as in this law  
chapter provided to the contrary. The board of directors shall by by-law provide the manner of nomination of candidates which shall conform as nearly as practicable to general election laws. The signatures of 10 electors qualified to participate in district elections are required to nominate a candidate for any district office. Names of nominees and candidates shall have been filed with the secretary of the board at least five days prior to the publication of the notice provided for in Section 14655 and such names shall be stated in such notice of holding of election.

(Amended by Stats. 1945, Ch. 987 and by Stats. 1951, Ch. 853.)

14659. The judges of election shall, within 24 hours after Returns  
the election, make returns and certify the votes, and the names of the persons voted for to the directors.

14660. Within five days after the returns have been Canvass of  
received by the directors, they shall count the votes, deter- votes, etc.  
mine who has been elected, and issue certificates of election to the persons elected.

14661. If the office of director is vacated by forfeiture, death, Vacancy  
resignation, or from any cause other than expiration of the term, the vacancy shall be filled by appointment by the board of supervisors.

(Added by Stats. 1951, Ch. 853.)

### Article 5. Powers and Duties of Directors

District  
management

14680. The directors shall manage and conduct the business and affairs of the district.

Rules and  
regulations

14681. They shall make and enforce all rules and regulations necessary for the administration and government of the district and for the furnishing of fire protection to it.

Contracts,  
etc.

14682. They shall make and execute in the name of the district all necessary contracts, adopt a seal for the district, provide for the payment of all the debts and claims against the district, and employ agents and employees for the district sufficient to maintain and operate the property acquired for the purposes of the district.

Acquisition  
of property,  
etc.

14683. The directors may acquire real or personal property for the purposes of the district, dispose of property when no longer needed, construct needed structures, and acquire, hold and possess, either by donation or purchase, in the name and on behalf of the district any land or other property necessary for the purposes of the district.

Fire  
hazards

14684. They shall eliminate and remove fire hazards within the district wherever practicable and possible whether on private or public premises and to that end may clear the public highways and, where permitted, private lands, of dry grass, stubble, brush, rubbish, or other inflammable material, which in their judgment constitutes a fire hazard.

Necessary  
acts

14685. The directors shall perform all other acts necessary, proper and convenient to accomplish the purposes of this chapter.

Fire  
ordinances:  
Nature

14686. The directors may adopt ordinances to prevent fires and conflagrations, and for the protection of property at and during the pendency of any fire, and for that purpose may provide that at and during the pendency of any fire the officers of the fire company or companies present are vested with the powers of peace officers.

Execution,  
publica-  
tion, etc.

14687. An ordinance shall be signed by the directors, and published in a newspaper printed in the district, or posted in three of the most public places of the district, for a period of two weeks, at the end of which time it becomes a law for the government of the inhabitants of the district.

Violations

14688. Every person who violates any of the provisions of an ordinance of the directors is guilty of a misdemeanor.

Prosecutions

14689. Any justice of the peace within the townships within which the district is situated has jurisdiction of prosecutions under this chapter.

### Article 6. Finance and Taxation

Annual  
estimate

14700. The directors of each district shall annually on or before the twentieth day of July estimate the amount of money which will be needed to defray the cost of maintenance of the district, and to meet other expenditures authorized in connection with the district.



14701. The directors shall ascertain from the assessor or assessors the assessed value of the assessable property within the district. Property value

14702. They shall then determine the amount of the tax sufficient to raise the sum estimated to be necessary. Tax amount

14703. The amount of money to be raised for the purpose of establishing and equipping a district with fire-fighting facilities shall not in any one year exceed 1 per cent of the assessable property within the district. Limitation

14704. The amount of money to be raised for the purpose of maintaining a district each year shall not exceed one-half of 1 per cent of the assessable property within the district. Same

14705. When so determined, the amount of the tax shall be certified to the boards of supervisors of the counties in which any portion of the district is located. Certification

14706. The boards of supervisors shall, at the time of making the levy of county taxes for that year, levy the tax certified upon all taxable property, real, personal or mixed, in the district. Tax levy

14707. The tax when levied shall be entered upon the assessment rolls and collected in the same manner as State and county taxes. Collection

14708. When the tax is collected it shall be placed in the treasury of the county in which the greater portion of the district is located, to the credit of the current expense fund of the district and shall be used only for the purpose for which it was raised. Deposit of money

14709. All accounts, bills and demands against the district shall be audited, allowed and paid by the directors by warrants drawn on the county treasurer. The county treasurer shall pay the warrants in the order in which they are presented. Payment of bills, etc.

## Article 7. Inclusion of Territory

14720. Territory contiguous to any district and in a county in which some part of the district lies may be included in the district. Inclusion of territory

14721. All of the owners in fee of real property in the contiguous territory, as shown by the last equalized assessment roll of the county in which the territory is located, may file a petition with the board of supervisors of each county in which the district is situated. Petition

14722. The petition shall designate specifically the boundaries of the contiguous territory, state that such territory is not within the fire limits of any other fire district, and ask that the territory be included in the district. Contents

14723. The petition shall also be signed by the board of directors of the district. Execution

14724. The petition shall be verified by the affidavit of one of the petitioners. Verification

- Notice** 14725. A notice stating the time when the petition will be presented to the board of supervisors and that all persons interested may appear and be heard, shall be posted at least two weeks preceding the hearing in three public places in the district.
- Hearing** 14726. At the hearing the board of supervisors shall hear the petition and any person interested, and may adjourn the hearing from time to time.
- Determination** 14727. Upon the hearing of the petition the board may determine whether or not it is for the best interests of the district and of the contiguous territory that the territory be included in the district.
- Boundaries** 14728. The board may modify the boundaries of the territory proposed to be included.

### Article 8. Change of Boundary

- Annexation** 14735. The boundaries of a district may be altered and new territory annexed pursuant to this article.
- Petition** 14736. The directors of any district, upon receiving a written petition for annexation containing a description of territory contiguous to the district and proposed to be annexed, signed by not less than 20 per cent of the holders of title or evidence of title to lands within the territory proposed to be annexed, whose names appear as such on the last preceding county assessment roll, shall cause a notice of filing of the petition to be published in the same manner and for the same time as is required as to notices of the proposed formation of a district.
- Notice: Publication**
- Contents** 14737. The notice shall state the fact of the filing of the petition, the names of the petitioners, a description of the lands mentioned in the petition, and the prayer of the petition.
- Same** 14738. The notice shall notify all persons interested in, or that may be affected by the change of the boundaries of the district, to appear at the offices of the directors, at a time named, and show cause in writing, if any they have, why the proposed change in boundaries should not be made.
- Time of hearing** 14739. The time specified in the notice shall be the regular meeting of the board next after the expiration of time for publication of the notice.
- Costs** 14740. The petitioners shall advance to the directors sufficient money to pay the estimated costs of all proceedings.
- Hearing** 14741. The directors, at the time and place mentioned in the notice, or at such other time to which the hearing may be adjourned, shall hear the petition, and all objections presented in writing by holders of title or evidence of title to lands within the district or within the territory proposed to be annexed.

14742. The directors may require as a condition precedent Payments to the granting of a petition, that the petitioners shall severally pay to the district such respective sums as nearly as the same can be estimated and in the several amounts determined by the directors as the petitioners or their grantors would have been required to pay the district as taxes, had the lands been included in the district at the time it was originally formed.

14743. At the hearing, the directors shall hear and determine all objections and shall exclude all lands within the territory proposed to be annexed which will not be benefited by inclusion. Exclusion of land

14744. If the directors deem it for the best interest of the district that the boundaries of the district be changed as proposed or as such proposal may be altered by the exclusion of lands not benefited, the directors shall submit the question of change in boundaries at the next election to be held in the district and shall call an election to be held at the same time within the territory to be annexed. Election

14745. Notice of the election shall be given in the same Notice manner as that prescribed for annual elections of directors.

14746. The ballots cast at the election shall contain the words "For change of boundary" and "Against change of boundary," or their equivalent. Ballots

14747. The notice of election shall describe the proposed change of boundaries so that it can readily be traced. Description

14748. The qualifications for voters are the same as for other district elections and votes by proxy are allowable as in other district elections. Electors, proxies

14749. The returns of the votes cast in the territory proposed to be annexed and in the district shall be canvassed separately and the directors shall cause a record of the canvass to be made and entered in its minutes. Canvass of returns

14750. If it appears from the canvass that a majority of the votes cast in the district and in the territory proposed to be annexed are in favor of the change in boundary, the directors shall so find and upon the filing of a copy of its finding certified under seal of the district in the office of the county recorder, the territory is a part of the district. Finding

## Article 9. Dissolution

14760. Pursuant to this article, a district may be dissolved by the board of supervisors which formed it. Dissolution

14761. Twenty-five per cent of the owners of land within the district may file a petition for dissolution with the board of supervisors, requesting the dissolution of the district. Petition

14762. The board of supervisors shall by resolution call an election which shall be called, noticed and conducted in all respects in a manner similar to that provided for with reference to the formation of a district. Election



Favorable  
vote: Entry  
and filing

14763. If it appears that a majority of the owners of land voting at the election have voted in favor of dissolution, the directors shall cause such facts to be entered upon their minutes and shall forward copies of the entry to the boards of supervisors of the counties in which the district is situated.

Record of  
entry

14764. The directors shall also record a copy of the entry with the county recorders of those counties.

Effect

14765. On and after the filing and recording, the district is dissolved.

Outstanding  
debts

14766. If at the time of dissolution there are any outstanding or bonded indebtednesses, taxes for their payment shall be levied and collected the same as if the district had not been dissolved and disincorporated.

## CHAPTER 4. DISSOLUTION OR EXCLUSION WHEN AREA IS INCORPORATED

### Article 1. Dissolution

Dissolution

14800. A district comprising territory which is wholly within, or identical with the corporate limits of a city, which has been incorporated after the district was organized and established, may be dissolved.

Petition

14801. Inhabitants of the district, whose names appear upon the last preceding assessment roll of the county or city within which the district is located, owning or representing more than one-half in value of the assessed real property of the district, or owning or representing more than one-half in value of the assessed real property in the district owned by its residents, may file a verified petition with the board of supervisors requesting the dissolution of the district.

Declaration

14802. The board of supervisors may, by a resolution adopted and entered in its minutes, discontinue the district, and declare it to be disincorporated.

Disposition  
of property

14803. Upon such action being taken by the board of supervisors, the board of fire commissioners of the district, shall turn over to any fire department organized by the governing body of the city, or to the governing body itself, all the property of the district.

Payment  
of debts

14804. The city shall pay all the debts of the district and thereupon the district is discontinued and disincorporated.

### Article 2. Change of Boundaries

14810. (Repealed by Stats. 1951, Ch. 1283. See note following Section 14008.)

Petition

14811. Persons Entitled to File Petition. Property owners of the incorporated portion of the district, whose names appear upon the last preceding assessment roll of the county or city within which the incorporated portion of the district is located, owning or representing more than one-half in value of the assessed real property in the incorporated portion of the district, or owning or representing more than one-half in value of the assessed real property within the incorporated portion of the

district owned by its residents, may file a verified petition with the board of supervisors, requesting that the area within the city may be excluded from the district.

(Amended by Stats. 1951, Ch. 1283.)

14812. (Repealed by Stats. 1951, Ch. 1283. See note following Section 14008.)

14813. Whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion shall be withdrawn from the district. Withdrawal of annexed, etc., territory

(Added by Stats. 1951, Ch. 1283.)

14814. Upon the withdrawal of any territory of a district included within a city all property required for the district and all funds remaining on hand on the date of withdrawal shall be divided between the city and the remaining district in proportion to the assessed value of the real property of the territory so withdrawn and the portion remaining. All taxes collected by the district after the date of withdrawal on real property so withdrawn shall be paid over to the city. Division of property and funds

(Added by Stats. 1951, Ch. 1283.)

### Article 3. Recordation

14815. A certified copy of any resolution of a board of supervisors, discontinuing a district, excluding a portion of its territory, or changing its boundaries, after being adopted, and signed by the chairman and the clerk of the board and certified to by the clerk of the board under its seal, shall, within 10 days after adoption, be filed by the clerk of the board in the office of the county recorder of the county in which the fire district is located. Recordation of resolution

14816. The recorder shall record the resolution, but shall not make any charge or collect any fees for filing or recording it. Fees

## PART 4. FIRE COMPANIES IN UNINCORPORATED TOWNS

### CHAPTER 1. ORGANIZATION

14825. Fire companies in unincorporated towns may be organized by filing with the county recorder a certificate signed by the foreman or presiding officer and by the secretary. Certificate: Filing

14826. The certificate shall set forth the following matters: Contents

- (a) The date of organization.
- (b) The name of the company.
- (c) The names of the officers.
- (d) The roll of active and honorary members.

14827. The certificate shall be renewed and refiled every six months. Renewal

14828. There shall not be in any one unincorporated town more than one company for each 1,000 inhabitants, but one company may be allowed in any town where the population is less than 1,000. Number

- Members** 14829. An engine company may consist of not more than 65 certificate members; a hook-and-ladder company of not more than 65 certificate members; and a hose company of not more than 25 certificate members.
- Foreman** 14830. Every fire company shall choose or elect a foreman, who is the presiding officer, and a secretary and treasurer.

## CHAPTER 2. POWERS AND DUTIES

- Regulations, penalties** 14835. Every fire company may establish and adopt by-laws and regulations, and impose penalties, not exceeding five dollars (\$5) or expulsion for each offense.
- Seal** 14836. Every fire company regularly organized may adopt a seal, having upon it the arms of the State, and the name of the company to which it belongs.
- Control and use of seal** 14837. The seal shall be under the control of and for the use of the secretary, and be by him affixed to exempt certificates, certificates of active membership, and such other documents as the by-laws provide.
- Secretary: Oath and bond** 14838. The secretary of every company having a seal shall take the constitutional oath of office and give such bond as the by-laws provide for the faithful performance of his duties.
- Certificates: Records** 14839. The secretary shall keep a record of all certificates of exemption or active membership, their date, and to whom issued; and when the company has no seal, the clerk shall keep similar entries of certificates issued to obtain county clerk's certificates.
- Certificate as evidence** 14840. Every certificate is prima facie evidence of the facts stated in it.
- Chief: Fire record** 14841. The chief of every fire company shall inquire into the cause and keep a record of every fire occurring in the town.
- Enforcement of ordinances** 14842. He shall aid in the enforcement of all fire ordinances, examine buildings in process of erection, report violations of ordinances relating to prevention or extinguishment of fires, and when directed by the proper authorities institute prosecutions therefor.
- Other duties** 14843. He shall perform such other duties as may be by proper authority imposed upon him.
- Attendance at fires** 14844. Every chief shall attend all fires with his badge of office conspicuously displayed.
- Protection of property** 14845. He shall prevent injury to, take charge of, and preserve all property rescued from fires, and return the property to its owner on the payment of the expenses incurred in saving and keeping it.

## CHAPTER 3. EXEMPTIONS

- Privileges and exemptions** 14855. The officers and members of unpaid fire companies regularly organized, and exempt firemen, are entitled to the following privileges and exemptions:
- (a) Exemption from payment of poll tax, road tax, and head tax of every description.
- (b) Exemption from jury duty.



(c) Exemption from military duty, except in case of war, invasion, or insurrection.

14856. Every fireman who has served five years in an organized fire company in this State is an "exempt fireman," and shall receive from the chief of the company to which he belonged a certificate to that effect. "Exempt fireman"

14857. Every active fireman shall have a certificate of that fact signed by the chief of the company to which he belongs. Certificate:  
Active  
fireman

14858. The certificates shall be countersigned by the secretary, and over the seal of the company, if one is provided. Counter-  
signature

14859. Certificates of exemption may be issued by the clerk of the county over his official seal and signature and shall entitle the holder to exemption as an exempt fireman. Exemption  
certificate

14860. Every officer of a fire company who wilfully issues or causes to be issued any certificate of exemption to a person not entitled to it, is guilty of a misdemeanor. Violation

## PART 5. ABATEMENT OF HAZARDOUS WEEDS

### CHAPTER 1. GENERAL PROVISIONS

14875. "Weeds," as used in this part, means all weeds growing upon streets, sidewalks, or private property in any county, including any fire protection district and includes any of the following: "Weeds"

- (a) Weeds which bear seeds of a downy or wingy nature.
- (b) Weeds which attain such large growth as to become, when dry, a fire menace to adjacent improved property.
- (c) Weeds which are otherwise noxious or dangerous.
- (d) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.

14876. Weeds may be declared a public nuisance and may be abated as provided in this part. Public  
nuisance

### CHAPTER 2. RESOLUTION

14880. Whenever weeds are growing upon any street, sidewalk, or on private property in any county, the board of supervisors, by resolution, may declare the weeds a public nuisance. Resolution

14881. The resolution shall refer, by the name under which it is commonly known, to the street, highway, or road upon which the nuisance exists, upon which the sidewalks are located, or upon which the private property affected fronts or abuts or nearest to which the private property is located. Contents

14882. If the private property fronts or abuts upon more than one street, highway, or road, it is necessary to refer to only one of the streets, highways, or roads. Same

14883. The resolution shall describe the property upon which, or in front of which the nuisance exists by describing the property in accordance with the map used in describing property for taxation purposes. No other description is necessary. Same

Same 14884. Any number of streets, highways, roads, or parcels of private property may be included in one resolution.

### CHAPTER 3. NOTICE TO DESTROY WEEDS

#### Article 1. Persons Authorized to Give Notice

Notice: 14890. The board of supervisors shall designate the person  
Giving to give notice to destroy weeds. This may be any one of the following:

- (a) The county agricultural commissioner.
- (b) The county forester.
- (c) The county board of forestry.
- (d) Any other officer, board, or commission.

#### Article 2. Contents of Notice

Heading 14891. The notices shall be headed "Notice to destroy weeds," in words not less than one inch in height.

Form 14892. The notice shall be substantially in the following form:

#### NOTICE TO DESTROY WEEDS

Notice is hereby given that on the ----- day of -----, 19--, the board of supervisors of -----County passed a resolution declaring that noxious or dangerous weeds were growing upon or in front of the property on, or nearest to -----Street (or Road), in said county, and more particularly described in said resolution and that the same constitute a public nuisance which must be abated by the removal of said noxious or dangerous weeds, otherwise they will be removed and the nuisance will be abated by the county authorities, in which case the cost of such removal shall be assessed upon the lots and lands from which or in front of which such weeds are removed, and such cost will constitute a lien upon such lots or lands until paid. Reference is hereby made to said resolution for further particulars.

All property owners having any objections to the proposed removal of such weeds are hereby notified to attend a meeting of the board of supervisors of said county, to be held (give date), when their objections will be heard and given due consideration.

Dated this ----- day of -----, 19--:

-----,  
(Title of officer, board or commission causing notices to be posted.)

#### Article 3. Posting and Mailing Notice

Posting 14893. The notices shall be conspicuously posted in front of the property on which or in front of which the nuisance exists, or if the property has no frontage upon any street, highway or road then upon the portion of the property

nearest to a street, highway or road, or most likely to give actual notice to the owner.

14894. The notices shall be posted not more than 100 feet Same in distance apart, but at least one notice shall be posted on each lot or parcel.

14895. The notice shall be posted at least five days prior Postcard notice to the time for hearing objections, and post-card notices of hearing shall be mailed to owners who have filed with the board a written request for such post-card notice within one year prior to the date of mailing.

14896. Post-card notices shall be mailed to owners at the Mailing address shown on the request for notice, and shall be mailed at least seven days prior to the date of hearing.

14897. The post-card notice is sufficient if substantially in Form the form of the posted notice.

#### Article 4. Hearing on Notice

14898. At the time stated in the notices, the board of Hearing supervisors shall hear and consider all objections or protests, if any, to the proposed removal of weeds, and may continue the hearing from time to time.

14899. Upon the conclusion of the hearing the board shall Decision allow or overrule any or all objections, whereupon the board shall acquire jurisdiction to proceed and perform the work of removal, and the decision of the board on the matter is final, except as provided in Sections 14920 and 14921 of this code.

(Amended by Stats. 1941, Ch. 69.)

#### Article 5. Proceedings After Hearing on Notice

14900. After final action is taken by the board on the dis- Abatement position of any protests or objections or in case no protests or objections are received, the board shall order the officer, board or commission causing the notices to be posted to abate the nuisance, or to cause it to be abated by having the weeds removed.

14900.5. If the nuisance is seasonal and recurrent, the Seasonal and recurrent nuisance board of supervisors shall so declare. Thereafter, such seasonal and recurring weeds shall be abated every year without the necessity of any further hearing.

(Added by Stats. 1939, Ch. 1018.)

14900.6. In the case of weeds which have previously been Notice of seasonal and recurrent nuisance declared to constitute a seasonal and recurring nuisance, it is sufficient to mail a post-card notice to the owners of the property as they and their addresses appear upon the current assessment roll.

The notice shall refer to and describe the property and shall state that noxious or dangerous weeds of a seasonal and recurrent nature are growing on or in front of the property, and that the same constitute a public nuisance which must be abated by the removal of said noxious or dangerous weeds, and that otherwise they will be removed and the nuisance will



be abated by the county authorities, in which case the cost of such removal shall be assessed upon the lot and lands from which or in front of which such weeds are removed and that such cost will constitute a lien upon such lots or lands until paid.

(Added by Stats. 1939, Ch. 1018.)

Entry upon  
property

14901. The officer, board or commission, and his or its assistants, deputies, employees, or contracting agents, or other representatives may enter upon private property for the purpose of removing the weeds.

Removal by  
property  
owner

14902. Any property owner may have weeds removed at his own expense if it is done prior to the arrival of the officer, board or commission, or his or its representatives to do it.

## CHAPTER 4. EXPENSE OF ABATEMENT

### Article 1. Determination and Notice

Report  
of cost

14905. The officer, board or commission abating the nuisance shall keep an account of the cost of abatement in front of or on each separate parcel of land and shall render an itemized report in writing to the board of supervisors showing the cost of removing the weeds on or in front of each separate lot or parcel of land, or both.

Posting

14906. Before the report is submitted to the board of supervisors, a copy of it shall be posted for at least three days on or near the chamber door of the board with a notice of the time when the report will be submitted to the board for confirmation.

Notice

14907. A post-card notice of the time and place of the submission of the report for confirmation, stating generally the nature of the report, shall be mailed by the board to the owners of the parcels who have filed with the board a written request for post-card notice within one year prior to the date of mailing the notice, at least seven days prior to the date of submission for confirmation.

### Article 2. Hearing on Report

Hearing

14910. At the time fixed for receiving and considering the report, the board shall hear it and any objections of any of the property owners liable to be assessed for the work of abatement.

Confirma-  
tion

14911. Thereupon the board may make such modifications in the report as it deems necessary, after which, by order or resolution, the report shall be confirmed.

Assessment  
and lien

14912. The amounts of the cost for abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed shall constitute special assessments against the respective parcels of land, and are a lien on the property for the amount of the respective assessments.

## Article 3. Collection of Expenses

14915. A copy of the report, as confirmed, shall be turned over to the auditor of the county, on or before the tenth day of August following such confirmation, and the auditor shall enter the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. Entry of  
assessment

(Amended by Stats. 1939, Ch. 354.)

14916. The tax collector shall include the amount of the assessment on bills for taxes levied against the respective lots and parcels of land. Tax bill

14917. Thereafter the amounts of the assessments shall be collected at the same time and in the same manner as county taxes are collected, and are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. Collection

14918. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such special assessment taxes. Laws  
applicable

14919. The county tax collector may, in his discretion, issue separate bills for such special assessment taxes and separate receipts for collection on account of such assessments. Separate  
bills

14920. All or any portion of any such special assessment, penalty or costs heretofore or hereafter entered, shall on order of the board of supervisors be canceled by the auditor if uncollected, or, except in the case provided for in subdivision (e) hereof, refunded by the county treasurer if collected, if it or they were entered, charged or paid: Cancellation

(a) More than once;

(b) Through clerical error;

(c) Through the error or mistake of the board of supervisors or of the officer, board or commission designated by them to give notice or to destroy the weeds, in respect to any material fact, including the case where the cost report rendered and confirmed as hereinbefore provided shows the county abated the weeds but such is not the actual fact;

(d) Illegally;

(e) On property acquired after the lien date by the State or by any county, city, school district or other political subdivision and because of this public ownership not subject to sale for delinquent taxes.

(Added by Stats. 1941, Ch. 69.)

14921. No order for a refund under the foregoing section shall be made except on a claim: Claim  
required

(a) Verified by the person who paid the special assessment, his guardian, executor, or administrator;

(b) Filed within three years after making of the payment sought to be refunded.

The provisions of this section do not apply to cancellations.

(Added by Stats. 1941, Ch. 69.)

## DIVISION 13. HOUSING

### PART 1. STATE HOUSING ACT

#### CHAPTER 1. DEFINITIONS AND GENERAL PROVISIONS

"State  
Housing  
Act"

Application  
of provisions

15000. This part is known as the "State Housing Act." No provision of this part shall apply to any building regulated by Part 2 of this division.

(Amended by Stats. 1951, Ch. 1127.)

NOTE: Stats. 1951, Ch. 1127 also contained the following provision:

SEC. 41. No provision of this act shall be construed to require a structural addition, structural alteration or a structural change in or on an existing building or the replacement of an existing appliance which requires a structural addition, structural alteration or a structural change in or on an existing building where such is not required by law prior to the effective date of this act.

Definitions

15001. Unless the context otherwise requires, the definitions set forth in this chapter govern the construction of this part.

"Apartment"

15002. "Apartment" means a room or suite of rooms in an apartment house or dwelling occupied, or intended or designed for occupation, by one family for living or sleeping purposes. (Amended by Stats. 1939, Ch. 477.)

"Apartment  
house"

15003. "Apartment house" means any structure more than one story in height, or any portion of any such structure occupied, or designed, built, or rented for occupation, as a home by three or more families, each living in a separate apartment and cooking within the structure.

"Approved"

15004. "Approved," when used in connection with any material, type of construction, or appliance, means meeting the approval of the enforcement agency, as the result of investigation and tests conducted by the agency, or by reason of accepted principles or tests by national authorities, technical, health, or scientific organizations or agencies.

(Amended by Stats. 1951, Ch. 1127. See note following Section 15000.)

"Approved  
agency"

15004.2. "Approved agency" means an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, and approved by the enforcement agency.

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

"Basement"

15005. "Basement" means any portion of a building partially below the levels of the actual adjoining ground, with a ceiling no part of which is less than seven feet above such levels.

"Building"

15006. "Building" means an apartment house, hotel, or dwelling, either singly or in combination.

"Building  
department"

15007. "Building department" means the officer, department, or agency of a city or county charged with the enforcement of the provisions of this part pertaining to the erection,



construction, reconstruction, movement, conversion, alteration, or arrangement of buildings or structures within the city or county.

15008. "Cellar" means any portion of a building with a "Cellar" ceiling any part of which is less than seven feet above the actual adjoining ground levels.

15009. "City" means an incorporated city or incorporated "City" city and county.

15010. "Court" means any space on a lot, other than a "Court" yard, which, from a point not more than two feet above the floor line of the lowest story in the building on the lot in which there are windows from rooms abutting and served by the court, is open and unobstructed to the sky, except for projections permitted by this part.

"Outer court" means a court one entire side or end of which is bounded by a front yard, a rear yard, a side yard, a front of lot, a street, or a public alley.

"Inner court" means any court which is not an "outer court."

15011. "Curb level" means the curb level opposite the center of a front of lot, or, if a curb level has not been established, the average ground level at a front of lot.

15012. "Dead load" means the weight of a building's walls, partitions, framing, floors, roofs, and similar permanent construction.

"Live load" means all other forms of loading in a building, including the assigned live loads for floors and roofs.

15013. "Dormitory" means a room occupied by more than two guests.

15014. "Dwelling" means any structure, or any portion of a structure, other than an apartment house or hotel, containing one or more apartments or guest rooms.

15015. "Enforcement agency" means the building department, the housing department, or the Department of Industrial Relations, as the case may be.

15016. "Family" means one person living alone, or a group of two or more persons, whether or not related to each other by birth, living together, in an apartment.

15016.8. "Fire-resistive construction" or "protection" means meeting the requirements of Sections 15004, 15004.2 or Sections 15159 or 15160 or meeting the respective requirements for rating of "four-hour," "three-hour," "two-hour" or "one-hour" fire-resistive construction or protection as specified in "Standard Specifications for Fire Tests of Building Construction and Materials" (C19-41) as published by the American Society for Testing Materials.

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

15017. "Fireproof building" means a building constructed of the materials required by this part in fireproof buildings.

15018. "Guest" means any person who rents or occupies a room for sleeping purposes.

- "Guest room" 15019. "Guest room" means a room occupied, or intended, arranged, or designed for occupation, by one or more guests. Every 100 square feet of superficial floor area in a dormitory is a guest room.
- "Hotel" 15020. "Hotel" means any structure, or any portion of a structure, including any lodging house, rooming house, dormitory, turkish bath, bachelor hotel, studio hotel, public club, or private club, containing six or more guest rooms and which is occupied, or is intended or designed for occupation, by six or more guests, whether rent is paid in money, goods, labor, or otherwise. It does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention, or other building in which human beings are housed and detained under legal restraint.
- "Housing department" 15021. "Housing department" means the officer, department, or agency of a city or county charged with the enforcement of the provisions of this part pertaining to the maintenance, sanitation, ventilation, use, or occupancy of buildings within the city or county.
- "Kitchen" 15022. "Kitchen" means any room used, or intended or designed to be used, for cooking and preparing food.
- "Lot" 15023. "Lot" means a parcel or area of land on which is situated a building, together with the yards, courts, and unoccupied spaces required by this part for the building, and which is owned by, or is in the lawful possession of, the owner of the building.
- "Corner lot" "Corner lot" means a lot situated at the junction of two or more intersecting streets, with a boundary line bordering on each of the streets. The owner of such lot or his authorized agent may designate either street frontage as the front of lot for the purpose of determining its width.
- "Interior lot" "Interior lot" means a lot which is not a corner lot. All parts of the width of a corner lot which are more than 75 feet distant from the junction point of the intersecting streets comprise an interior lot.
- "Front of lot" "Front of lot" means the boundary line of a lot bordering on a street. In the case of a corner lot, either street frontage may be the front of lot.
- "Rear of lot" "Rear of lot" means the boundary line opposite the front of lot.
- "Depth of lot" "Depth of lot" means the mean distance from the front of lot to the rear of lot.
- "Nuisance" 15024. "Nuisance" includes:
- (a) Any public nuisance known at common law or in equity jurisprudence.
  - (b) Whatever is dangerous to human life or is detrimental to health.
  - (c) Overcrowding a room with occupants.
  - (d) Insufficient ventilation or illumination.
  - (e) Inadequate or insanitary sewerage or plumbing facilities.
  - (f) Uncleanliness.

(g) Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings.

15025. "Occupied space" means all the space covered by a building, including that covered by the building's outside stairways, platforms, fire escapes, balconies, fire towers, chimneys, vent shafts not exceeding 32 square feet in area, and cornices which project farther into a court or yard than is permitted by this part. "Occupied space"

For the purpose of determining occupied space, the area of a building shall be measured at its lowest story or portion thereof used for living or sleeping purposes.

15026. "Plasterboard" means any type of wall board used as a base for plastering. "Plasterboard"

15027. "Public hallway" means a hallway, corridor, passageway, vestibule, stairway, landing, or platform in an apartment house or hotel; but not within an apartment, if in an apartment house, or within a suite of rooms, if in an hotel. "Public hallway"

15028. "Semifireproof building" means a building constructed of the materials required by this part in semifireproof buildings. "Semifireproof building"

15029. "Shaft" means any shaft used for air, light, or ventilation, or for an elevator or dumb-waiter. "Shaft"

A vent shaft is one used solely to ventilate or light a water-closet compartment or bath room.

15030. "Street" means any street, alley, thoroughfare, or park not less than 16 feet in width, measured from the front of lot to the opposite front of lot, which has been dedicated or deeded to the public for public use. "Street"

15031. "Superficial floor area" means all floor area exclusive of that occupied by built-in dressers, clothes presses, or similar fixtures which are built into and are a substantial part of a building, and are not readily removable. "Superficial floor area"

15032. "Window" includes any French door or window. "Window"

15033. "Wooden building" means a building which does not fully comply with the provisions of this part pertaining to materials required in the construction of either a fireproof or a semifireproof building. "Wooden building"

15034. "Yard" means any space on a lot other than a court, which is open and unobstructed from the ground to the sky, except for projections permitted by this part. "Yard"

"Front yard" means a yard between the front line of a building and the front boundary line of the lot on which the building is situated. "Front yard"

"Rear yard" means a yard between the extreme rear line of a building and the rear of the lot on which the building is situated. "Rear yard"

"Side yard" means a yard which extends from a rear yard to a front yard or front of lot. "Side yard"

15035. "Building unfit for human habitation or occupancy" means any building or buildings used for human habitation, or designed or intended for such use, which are dangerous to human life or detrimental to health, through lack either of "Building unfit for human habitation or occupancy"



maintenance, or repair generally, or through improper sanitary facilities, and include, but are not limited to, buildings in which exist one or more of the following conditions:

(a) The exterior walls, doors, windows, floors or roof are so deteriorated, broken or damaged as not to exclude rain or wind and by reason of such condition are dangerous to human life or detrimental to health;

(b) The foundations or supporting walls are deteriorated or damaged to the extent that walls list or lean and by reason of such condition are dangerous to human life or detrimental to health.

(Added by Stats. 1941, Ch. 807.)

## CHAPTER 2. APPLICATION AND SCOPE

### Scope of part

15151. The provisions of this part which relate to apartment houses and hotels apply in all parts of the State. The provisions of this part which relate to dwellings apply only in cities.

### Waiver of compliance

15151.3. The enforcement agency having jurisdiction is hereby authorized to waive strict compliance with the provisions of this part as to any building operated by nonprofit corporation, association or organization exclusively for recreational purposes for seasonal use only, and located in an unincorporated area of the State. Such waiver shall be limited and restricted to such matters as in the judgment of the enforcement agency will not create a hazard to the health or safety of the public or the occupants of such buildings after giving proper consideration to the location and use thereof.

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

### Minimum requirements

15152. The provisions of this part constitute minimum requirements for the protection, health, and safety of the public and of the occupants of apartment houses, hotels, and dwellings.

### Local ordinances

15153. The governing body of any city or county may enact ordinances or laws imposing restrictions greater than those imposed by this part, or prescribing fees for permits, certificates, or other papers required by this part.

### Conformance

15154. Except as otherwise permitted or required by this part:

(a) In any structural addition or any alteration, repair, installation, or change in, including use or occupancy, or reconstruction of, any building, such new work shall meet all of the requirements of this part.

(b) It is unlawful to increase the percentage of the lot occupied, or in any manner, whether by sale, conveyance or otherwise, to diminish the required size of yards, courts, passageways, shafts, windows or skylights, or to remove any required sanitary facility, fire protection equipment, device, safeguard, installation, stairway, or fire escape, or to obstruct the egress from any building or from the hallways, passageways, or stairways.

(c) Minor structural additions, alterations or repairs, when approved by the building department, may be made with the same kind of material of which the building is constructed.

(Amended by Stats. 1951, Ch. 1127. See note following Section 15000.)

15155. Any building or structure not erected for use as an apartment house, hotel, or dwelling, which is converted to or altered for such use, shall conform to all the provisions of this part affecting an apartment house, hotel, or dwelling, as the case may be. Use conversion

15156. Any apartment house, hotel, or dwelling which is moved shall conform to all the provisions of this part affecting any such building pertaining to: Relocation

(a) Percentage of unoccupied area.

(b) Heights.

(c) The size of:

(1) Outer courts.

(2) Inner courts bounded by a lot line.

(3) Yards.

15157. If it is reconstructed, any building which has been damaged by fire or the elements to an extent in excess of 60 percent of its physical proportion, shall conform to all the provisions of this part. Reconstruction following damage

15158. In any building erected as, or altered or converted into, a combined apartment house and hotel every portion used for apartment house purposes, including each apartment, shall comply with all the apartment house requirements of this part; and every portion used for hotel purposes, including each guest room and dormitory, shall comply with all the hotel requirements of this part. Combination apartment house-hotel

15159. The provisions of this part are not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this part, provided any such alternate has been approved. Use of alternate materials, etc.

The building department may approve any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this part in quality, strength, effectiveness, fire resistance, durability, safety and for the protection of life and health.

The building department may require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use.

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

15160. Whenever there is evidence that any material, appliance, installation, device, arrangement, or method of construction does not conform to the requirements of this part, or in Tests: Proof of compliance

order to substantiate claims for alternates, the building department may require tests as proof of compliance to be made at the expense of the owner or his agent by an approved agency.

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

Authoriza-  
tion of  
substitutes

15161. The Division of Housing may authorize the substitution of any material, appliance, installation, device, arrangement, method or type of construction for that which is prescribed in this part under the following conditions:

(a) When and where the division determines that there exists a critical shortage of the material, appliance or device prescribed.

(b) In unincorporated areas of the State where the population density is less than 300 persons per square mile.

(c) When and where, in the judgment of the division, the substitution will not create a hazard to the health or safety of the public or of the occupants of buildings.

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

### CHAPTER 3. ADMINISTRATION AND ENFORCEMENT

#### Article 1. Enforcement Agencies

In cities:  
Building  
department

15250. The building department of every city shall enforce within the city all the provisions of this part pertaining to the erection, construction, reconstruction, movement, conversion, alteration, or arrangement of apartment houses, hotels, or dwellings.

Housing  
or health  
department

15251. The housing department or, if there is no housing department, the health department, of every city shall enforce within the city all the provisions of this part pertaining to the maintenance, sanitation, ventilation, use, or occupancy of apartment houses, hotels, or dwellings.

Where no  
building,  
housing  
or health  
department

15252. If there is no building department, housing department, or health department in a city, the officer who is charged with the enforcement of ordinances or laws regulating the erection, construction, alteration, maintenance, sanitation, ventilation, or occupancy of buildings, or of the police, fire, or health regulations, in the city, shall enforce within the city all the provisions of this part.

Outside  
cities:  
County en-  
forcement  
officer

15253. In every county the officer who is charged with the enforcement of ordinances or laws regulating the erection, construction, alteration, maintenance, sanitation, occupancy, or ventilation of buildings, or of the police, fire, or health regulations, in the county, shall enforce, outside the territorial limits of any city, all the provisions of this part pertaining to apartment houses and hotels.

Designation  
of depart-  
ment or  
officer

15254. Any city or county may designate and charge by charter ordinance or resolution any department or officer, other than a department or officer mentioned in this chapter, with the



enforcement of any or all of the provisions of this part within its territorial limits.

(Amended by Stats. 1951, Ch. 1127. See note following Section 15000.)

15255. The Department of Industrial Relations may enforce, outside the territorial limits of any city, all the provisions of this part pertaining to apartment houses and hotels. Department  
of Industrial  
Relations

The Department of Industrial Relations may enforce within any city any provision of this part pertaining to the maintenance, sanitation, ventilation, use, or occupancy of buildings which it finds has been or is being violated, after it has given the housing department of the city written notice of the violation and that department has failed to correct the violation within the following 30 days.

15256. The enforcement agency having jurisdiction is hereby authorized to waive strict compliance with the provisions of this part as to any building operated by a nonprofit corporation, association or organization exclusively for recreational purposes for seasonal use only, and located in an unincorporated area of the State. Such waiver shall be limited and restricted to such matters as in the judgment of the enforcement agency will not create a hazard to the health or safety of the public or the occupants of such buildings after giving proper consideration to the location and use thereof. Waiver of  
compliance

(Added by Stats. 1951, Ch. 547.)

## Article 2. Inspection

15270. Any officer, employee, or agent of an enforcement agency may enter and inspect any building or premises whenever necessary to secure compliance with, or prevent a violation of, any provision of this part which the enforcement agency has the power to enforce. By enforce-  
ment agency

15271. The owner, or authorized agent of any owner, of any building or premises may enter the building or premises whenever necessary to carry out any instructions, or perform any work required to be done pursuant to this part. By build-  
ing owner

15272. No person authorized by this article to enter buildings shall enter any dwelling between the hours of 6 o'clock p.m. of any day and 6 o'clock a.m. of the succeeding day, without the consent of the owner or of the occupants of the dwelling, nor enter any dwelling in the absence of the occupants without a proper written order executed and issued by a court having jurisdiction to issue the order. Restrictions

## Article 3. Actions and Proceedings

15290. If any building is constructed, altered, converted, or maintained in violation of any provision of, or of any order or notice issued by an enforcement agency pursuant to, this part, or if a nuisance exists in any building or upon the lot on which it is situated, the enforcement agency may institute any appropriate action or proceeding to prevent, restrain, correct, or abate the violation or nuisance. Action:  
Institution

Relief  
pending  
judgment

15291. An enforcement agency which institutes any action or proceeding pursuant to this article may, by verified complaint setting forth the facts, apply to the superior court, or to any judge of the superior court, for an order granting the relief for which the action or proceeding is brought until the entry of a final judgment or order.

Order for  
nuisance  
abatement,  
etc.

15292. If any notice or order issued by an enforcement agency is not complied with, the enforcement agency may apply to the superior court, or to any judge of the superior court, for an order authorizing it to remove any violation or abate any nuisance specified in the notice or order.

Who may  
make order

15293. The superior court, or any judge of the superior court, may make any order for which application is made pursuant to this article.

Liability  
for costs

15294. Neither an enforcement agency, any of its officers, nor any city or county for which an enforcement agency may act, is liable for costs in any action or proceeding that the enforcement agency may commence pursuant to this article.

(Amended by Stats. 1947, Ch. 1493.)

Procedure

15295. Except as otherwise specified in this article, the procedure in any action or proceeding instituted pursuant to this article shall be as set forth in the charter or ordinances of the city or county in which the action or proceeding arose.

(Amended by Stats. 1947, Ch. 1493.)

Notice of  
pending  
action:  
Filing

15296. Any enforcement agency which institutes an action or proceeding pursuant to this article may file a notice of the pendency of the action or proceeding in the county recorder's office of the county where the property affected by the action or proceeding is situated. The notice may be filed at the time of the commencement of the action or proceeding, or at any time before final judgment or order. It has the same effect as the notice of pendency of action provided for in the Code of Civil Procedure.

Recording

15297. The county recorder with whom a notice of pendency of action or proceeding is filed shall record and index it in the name of each person to be specified in a direction subscribed by an officer of the enforcement agency instituting the action or proceeding.

Vacating

15298. Any notice of pendency of action or proceeding may be vacated upon the order of a judge of the court in which the action or proceeding is pending. Upon the presentation and filing of a certified copy of the order, the recorder of the county where the notice is filed shall mark the notice and any record of the notice as canceled of record.

Service:  
Summons

15299. In any action or proceeding brought pursuant to this article, service of summons is sufficient if served in the manner provided in the Code of Civil Procedure.

Notice of  
order

15300. Every notice or order issued pursuant to this part shall be served five days before the time for doing or refraining from doing the thing to which it pertains.

## Article 4. Records

15315. In every city, the owner, lessee, or other person in control of an apartment house or hotel shall file with the housing department a notice containing the following information:

Notices:  
Property  
description

(a) His name and address.

(b) A description of the property, by street and number or otherwise, of such character as will enable the department to locate it easily.

(c) If an apartment house:

(1) The number of apartments.

(2) The number of rooms in each apartment.

(3) The number of families occupying the apartments.

(d) If an hotel, the number of rooms.

15316. Within 30 days after the ownership in any apartment house or hotel is transferred the transferee shall file with the housing department a notice of the transfer to him.

Ownership  
transfer

15317. If the owner of an apartment house or hotel dies leaving the property by will, within 30 days after the probate of the will the executor of the will, and any person to whom he leaves the property, if over the age of 21 years, shall file with the housing department a notice stating the fact of the owner's death and the name of the person who has succeeded to the property.

Death of  
owner

If the owner of an apartment house or hotel dies without a will, within 30 days after his death his heirs or, if all his heirs are under the age of 21 years, the administrator of his estate, shall file with the housing department the notice mentioned in this section.

15318. In every city, the owner or lessee of an apartment house or hotel, or the agent of either, shall file with the housing department a notice containing the following information:

Name of  
owner or  
agent

(a) The name and address of the owner or lessee; or of an agent of either upon whom process may be served.

(b) A description of the property, by street and number or otherwise, of such character as will enable the department to locate it easily.

15319. Each housing department shall index the notices required to be filed with it pursuant to this article so that all of those relating to a particular apartment house or hotel will be indexed together and readily ascertainable. The indices are public records, and shall be open to public inspection during business hours.

Indices

## CHAPTER 4. PERMITS AND CERTIFICATES

## Article 1. Building Permits

15351. No person shall erect, construct, reconstruct, move, convert, or alter a building within any city unless he has obtained a written permit for that purpose from the building department.

Permit  
required



Exception	The department may allow any person to make changes, alterations, or repairs to or in a dwelling without a permit, if the work is to be of a minor nature and will not affect the structural features, or the sanitation, ventilation, or safety of the dwelling.
Application	15352. Any person desiring a permit shall file an application therefor with the building department.
Contents	15353. The application shall be made upon forms to be furnished by the department and shall contain: <ul style="list-style-type: none"> <li>(a) The name and address of the applicant.</li> <li>(b) The name and address of his architect or his contractor, if he has an architect or contractor.</li> <li>(c) A detailed written statement of the work to be done.</li> </ul>
Work plans, etc.	15354. The applicant shall file with his application: <ul style="list-style-type: none"> <li>(a) A complete set of the plans of the work proposed.</li> <li>(b) A set of specifications describing the materials to be used in the work.</li> <li>(c) A plan of the lot on which the work is to be performed, which shall clearly indicate an outline of any existing building or structure on the lot.</li> </ul>
Exception	15355. The building department may issue a permit to make nominal alterations or repairs in an apartment house or hotel without requiring the filing of plans and specifications, if the alterations or repairs will not affect the structural features, sanitation, or ventilation of the building.
Issuance	15356. The building department shall examine the application, plans, and specifications filed with it by an applicant, and if it appears that the work to be done will not result in a violation of this part, shall approve them and issue a permit to the applicant.
Changes	15357. The building department may approve changes in any application, plans, or specifications previously approved by it.
Revocation	15358. The building department may revoke any permit if the permittee refuses, fails, or neglects to comply with any provision of this part, or if it finds that any false statement or misrepresentation was made in the application, plans, or specifications filed by the permittee.
Performance of work	15359. The work authorized by a permit shall be performed only in accordance with the application, plans, and specifications filed by the permittee.
Effect of issuance	15360. The issuance of a permit does not constitute approval of any violation of any provision of this part.
Copy of approved plans	15361. An approved copy of the plans and specifications filed in connection with any work for which a permit is issued shall be kept upon the building or premises in respect to which the work is authorized, from the commencement to the final completion of the work. Approval shall be evidenced by a stamp or writing of the building department upon the copy. The copy shall be subject to the inspection of proper authorities at all times.

15362. The authority granted by a permit shall expire if the work authorized is not commenced within 90 days from the date on which the permit is issued, or if the work is suspended for a period of 90 days after it is commenced. Before proceeding further with the work a new permit shall be obtained. Termination

## Article 2. Certificate of Final Completion and Permit of Occupancy

15380. The owner or lessee of any apartment house or hotel erected, constructed, reconstructed, moved, converted, or altered in any city shall obtain a "certificate of final completion" from the building department of the city. Certificate required

15381. He shall file with the building department a written application for the certificate containing a description of the work performed. The department shall inspect the work within 10 days after the application is filed, and, if it meets the requirements of this part, shall issue the certificate to him. Application  
Issuance

15382. The owner or lessee of any of the following buildings erected, constructed, reconstructed, moved, converted, or altered in any city shall obtain a permit of occupancy from the housing department of the city: Permit of occupancy

(a) An apartment house; excluding an apartment house occupied by four or less families erected prior to August 17, 1923, and which has not been reconstructed, moved, converted, or altered since that date.

(b) An hotel.

15383. He shall file with the housing department a written application for the permit, together with any certificate of final completion issued for the building. If the department finds that no violations of this part have occurred since the issuance of the certificate, the department shall issue a permit to him. He does not have to file a certificate if a certificate is not required for the building; but in such case the department shall issue a permit to him only after it finds that the building conforms to the provisions of this part regarding sanitation. Application  
Issuance

15384. A permit of occupancy is valid from the date of its issuance until revoked. Validity

15385. The person to whom a permit of occupancy is issued shall display it in a conspicuous place in the building to which it pertains so that it may be readily seen by the authorized representative of any enforcement agency. Display

15386. Any permit or certificate issued pursuant to this article shall be made in duplicate and a copy shall remain on file with the department which issued it. Duplicates

15387. No person shall occupy, or permit the occupation of, any apartment house or hotel for which a certificate of final completion and a permit of occupancy are required, until the certificate and permit have been issued. Prohibition

15388. Any apartment house or hotel for which a certificate of final completion or a permit of occupancy is Unlawful structure

required which is occupied prior to the issuance of the certificate or permit, is an unlawful structure. The enforcement agency may have it vacated, and it shall not be occupied thereafter until the certificate or permit has been obtained.

## CHAPTER 5. BUILDINGS ON SAME LOT

### Article 1. Distances Between

- Distance between buildings** 15500. No building, and no structure, except the garage permitted by this article, shall be placed on the front or the rear of any interior lot on which an apartment house or hotel is situated within a distance of 20 feet from the apartment house or hotel, plus two additional feet for every story over two of the highest building or structure on the lot.
- Garage** 15501. A structure not more than one story in height to be used as a garage solely by the occupants of an apartment house may be erected on the rear of an interior lot on which an apartment house is situated within a distance of 20 feet from the apartment house, if it will not encroach upon or occupy any portion of the lot required to be used or left vacant for use as a rear yard.

### Article 2. Rear Building Passageway

- Required passageway** 15520. A building may be erected to the front or rear of another building if a passageway, open and unobstructed to the sky and not less than 10 feet in width, extending from the front of the rear building to the front line of the lot on which the buildings are situated, is provided. If the front building is more than two stories in height, the passageway shall be increased two feet in width, open, and unobstructed to the sky, for each additional story.
- Exception** 15521. If the rear building is a dwelling, or an apartment house not more than two stories in height accommodating not more than two families on the second story, the passageway need not be provided if there is access, open and unobstructed to the sky and at least 10 feet in width, from such building to a street other than the street fronting the lot, or to an alley not less than 10 feet in width.
- Dwellings** 15522. If there are only two one-story dwellings on one lot, each accommodating not more than two families, the passageway required by this article may be not less than five feet in width.
- Ownership** 15523. Ownership in any passageway required by this article shall be in the owner of the building for which the passageway is required.

## CHAPTER 6. UNOCCUPIED AREA

- Corner lot** 15600. At least 10 per cent of every corner lot on which an apartment house is erected shall be left unoccupied.
- Interior lot** 15601. At least 25 per cent of every interior lot on which an apartment house is erected shall be left unoccupied.
- Computation** 15602. If either a corner or interior lot on which an apartment house is erected extends from one street to another street,



a public alley, or public park, one-half of the width of the narrowest street, public alley, or public park to which the lot abuts may be considered a part of the lot in computing the percentage of the lot to be left unoccupied; but if such one-half is greater than the depth of the rear yard required for the apartment house, then only as much as is required for the rear yard shall be considered as part of the lot for the purpose of computing the percentage of the lot to be left unoccupied.

15603. If an apartment house is not more than two stories in height and is built to accommodate not more than two families above the first story, the percentage of lot to be left unoccupied may be not less than one-half of that prescribed by this chapter. Exception

15604. If the required unoccupied area of a lot is located on the rear of, and behind the apartment house on, the lot in such manner that the depth of the rear yard of the building is increased to a depth greater than that required by this part, bay windows may project into the unoccupied area from any floor above the first floor of the building, subject to the following conditions: Projecting windows

(a) The windows shall not project more than three feet into the unoccupied area.

(b) No window shall contain more than 15 square feet of superficial floor area.

(c) The windows shall be at least four feet apart.

(d) No window shall project into any part of the minimum unoccupied rear yard space required by this part.

## CHAPTER 7. YARDS AND COURTS

### Article 1. General Provisions

15650. A single yard or court shall not serve two buildings. Single yard

15651. A cornice, belt course, or similar projection on a building may extend: Projections:  
Cornices,  
etc.

(a) Into an outer court, two inches for each one foot of the width of the court.

(b) Into an inner court, one inch for each one foot of the width of the court.

(c) Any distance desired into any court if the minimum required width of the court is maintained open and unobstructed.

15652. A cornice or similar projection may extend into a yard the distance permitted in the case of an outer court. Same

15653. Outside stairways, platforms, and balconies constructed of open metal work, and fire escapes may extend not more than four feet beyond the exterior walls of a building into a yard or court, if they do not obstruct the light and ventilation of rooms or apartments within the building. Outside stairways,  
etc.

A retaining wall may extend not more than 12 inches into a yard or court.

15654. In an apartment house or hotel every recess from a court, yard, or street shall be not less in width than its depth. It shall be open and unobstructed to the sky from a point not Recess

more than two feet above the floor line of the lowest story in which there are rooms it is designed to serve.

**Same** 15655. The area of the recess shall not be included in computing the area of a court or yard.

## Article 2. Yards

**Rear yard: Apartment house** 15680. There shall be a rear yard immediately behind every apartment house on the lot on which the latter is situated.

**Extent** 15681. The yard shall extend, open and unobstructed to the sky, across the entire width of the lot from the lowest floor of the apartment house used for living or sleeping purposes.

**Depth: On interior lot** 15682. The rear yard of an apartment house on an interior lot shall have a depth not less than that set forth in the following table:

Height of apartment house measured from top of rear wall of building to ground	Depth of rear yard
Not exceeding 36 feet-----	10 feet
More than 36 but not exceeding 48 feet-----	11 feet
More than 48 but not exceeding 60 feet-----	12 feet
More than 60 but not exceeding 72 feet-----	14 feet
More than 72 but not exceeding 84 feet-----	16 feet
More than 84 but not exceeding 96 feet-----	18 feet
Exceeding 96 feet-----	20 feet

**On corner lot** 15683. The rear yard of an apartment house on a corner lot shall have a depth not less than that set forth in the following table:

Depth of lot	Depth of rear yard
Not exceeding 100 feet-----	10 per cent of depth of lot, minimum width required for outer court of the apartment house, or five feet, which- ever is the greater.
Exceeding 100 feet-----	Minimum width required for outer court of apartment house, or 10 feet, whichever is the greater.

**Exception** 15684. In the case of an apartment house not more than two stories in height, designed or built to accommodate not more than two families above the first story, the depth of the rear yard may be one-half of that prescribed by this article, but not less than five feet.

**Uniform depth** 15685. A rear yard of an apartment house designed to exceed 75 feet in width and situated on both a corner and interior lot may be of a uniform depth the entire width of the lots. In computing the uniform depth, the area of the portion of the yard on the interior lot shall be added to the area of the portion of the yard on the corner lot.

**Computation** 15686. If either a corner or interior lot extends from one street to another street, a public alley, or public park, one-half

of the width of the street, public alley, or public park which is the narrowest may be considered a part of the lot in computing the minimum depth of a rear yard of an apartment house.

15687. Every apartment house rear yard not bordering on a street or public alley shall have access to a street or public alley by means of an unobstructed passageway not less than three feet in width nor less than seven feet in height. Any portion of the passageway which passes through a building shall be constructed of approved incombustible materials; or shall be lathed with metal lath plastered not less than three-quarters of an inch thick, or lined with not less than number 26 gauge galvanized iron on solid sheathing of not less than thirteen-sixteenths inch boards.

Access to  
street

15688. Every building erected as, or altered or converted into, a combined apartment house and hotel shall be provided with the rear yard required by this article for apartment houses.

Apartment  
house-hotel

15689. The space beneath a rear yard of an apartment house on an interior lot shall not exceed one story, which shall not be more than eight feet six inches in height from the floor to the ceiling. Fireproof material shall be used in the construction of the floor of the yard and of the space beneath it.

Space

15690. The depth of a rear yard of any hotel designed to have a rear yard shall be not less than the minimum width of an inner court bounded on one side by a lot line specified in this chapter for an hotel of the same height.

Rear yard:  
Hotel

15691. If the lot on which an hotel is situated extends from one street to another street, a public alley, or public park, one-half of the width of the street, alley, or park may be considered a part of the lot in computing the depth of a rear yard on the lot.

Computation

15692. The depth of a rear yard for an apartment house or hotel shall be measured at right angles from the extreme rear line of the building towards the rear lot line of the lot on which the building is situated.

Measure-  
ment

15693. The depth of a rear yard of a dwelling designed to have a rear yard shall be not less than four feet.

Rear yard:  
Dwelling

15694. Every front yard excavated below the curb or adjoining ground levels for the purpose of furnishing light and ventilation for a basement shall not be less in width than the width specified in this chapter for an outer court of the building on the lot on which the yard is situated.

Front yard

15695. The width of a side yard shall be not less than the minimum width specified in this chapter for an outer court of the building on the lot on which the yard is situated; but if there is a side yard on each side of the building, connected together at the rear of the building by a rear yard, the width of each side yard may be reduced 12 inches.

Side yard



Article 3. Courts

Outer court:  
Apartment  
house

15730. An outer court of an apartment house shall have a minimum width and maximum length corresponding to that set forth in the following table:

Height of apartment house in stories upwards from and including the low- est story in which there is an apartment	Minimum width of outer court in every part	Maximum length of outer court
2 stories-----	4 feet 0 inches	-----
3 stories-----	4 feet 6 inches	25 feet
4 stories-----	5 feet 0 inches	30 feet
5 stories-----	6 feet 0 inches	35 feet
6 stories-----	7 feet 0 inches	35 feet
7 stories-----	8 feet 0 inches	40 feet
8 stories-----	9 feet 0 inches	40 feet
9 stories-----	10 feet 0 inches	40 feet
10 stories-----	11 feet 0 inches	40 feet
11 stories-----	12 feet 0 inches	40 feet
12 stories-----	13 feet 0 inches	40 feet
13 stories-----	14 feet 0 inches	40 feet
14 or more stories-----	15 feet 0 inches	40 feet

Exception

15731. There is no maximum length for an apartment house outer court bounded on one side for its entire length by a lot line.

Additional  
width

15732. Except in the case of a court of an apartment house not more than two stories in height, six inches shall be added to the minimum width of each apartment house outer court the maximum length of which is prescribed by this article for each five, or fractional part of five, feet that the length of the court exceeds the maximum length.

Width com-  
putation

15733. If an outer court of an apartment house is bounded by a public alley or public park, the width of the alley or park may be considered a part of the lot in determining the required width of the court.

15734. An outer court of an hotel shall have a minimum width corresponding to that set forth in the following table: Outer court:  
Hotel

Height of hotel in stories upwards from and including the lowest story in which there is a guest room or dormitory	Minimum width of outer court in every part
1 and 2 stories-----	4 feet 0 inches
3 stories-----	4 feet 6 inches
4 stories-----	5 feet 0 inches
5 stories-----	6 feet 0 inches
6 stories-----	7 feet 0 inches
7 stories or more-----	8 feet 0 inches

15735. The provisions of this article applicable to outer courts of apartment houses two stories in height are also applicable to outer courts of dwellings. Dwelling

15736. An apartment house inner court, except one bounded on one side for its entire length by a lot line, shall have a minimum width and area corresponding to that set forth in the following table: Inner court:  
Apartment  
house

Height of apartment house in stories upwards from and including the lowest story in which there is an apartment	Minimum width of inner court in every part	Minimum area of inner court in square feet
2 stories-----	6 feet	75 square feet
3 stories-----	7 feet	120 square feet
4 stories-----	9 feet	160 square feet
5 stories-----	12 feet	250 square feet
6 stories-----	16 feet	400 square feet
7 stories-----	20 feet	625 square feet
8 stories or more-----	24 feet	840 square feet

15737. An apartment house inner court bounded on one side for its entire length by a lot line shall have a minimum Same

width and area corresponding to that set forth in the following table:

Height of apartment house in stories upwards from and including the lowest story in which there is an apartment	Minimum width of inner court in every part	Minimum area of inner court in square feet
2 stories-----	5 feet	60 square feet
3 stories-----	6 feet	120 square feet
4 stories-----	7 feet	175 square feet
5 stories-----	9 feet	225 square feet
6 stories-----	12 feet	360 square feet
7 stories-----	15 feet	525 square feet
8 stories or more-----	18 feet	630 square feet

Exception

15738. Any inner court of an apartment house accommodating not more than two families above the first story may have a width one foot less than the minimum width otherwise required by this article, but the area of the court shall be not less than 60 square feet.

Inner court:  
Hotel

15739. An hotel inner court, except one bounded on one side for its entire length by a lot line, shall have a minimum width and length corresponding to that set forth in the following table:

Height of hotel in stories upwards from and including the lowest story in which there is a guest room or dormitory	Minimum width of inner court in every part	Minimum length of inner court
1 and 2 stories-----	5 feet	9 feet
3 stories-----	7 feet	10 feet
4 stories-----	10 feet	12 feet
5 stories-----	10 feet	16 feet
6 stories-----	12 feet	18 feet
7 stories-----	14 feet	20 feet
8 stories or more-----	16 feet	22 feet



15740. An hotel inner court bounded on one side for its Same entire length by a lot line shall have a minimum width and length measured as and corresponding to that set forth in the following table:

Height of hotel in stories upwards from and including the lowest story in which there is a guest room or dormitory	Minimum width of court in every part measured at right angles to lot line	Minimum length of court measured parallel to the lot line
1 and 2 stories-----	4 feet	9 feet
3 stories-----	5 feet	10 feet
4 stories-----	6 feet	10 feet
5 stories-----	7 feet	10 feet
6 stories-----	8 feet	12 feet
7 stories-----	9 feet	13 feet
8 stories or more-----	10 feet	14 feet

15741. An inner court of a dwelling shall have a width Dwelling not less than the minimum width required for an outer court of the dwelling, and shall contain an area of not less than 40 square feet.

15742. Every inner court in an apartment house or hotel shall be provided with a door or window at or near its bottom permitting access to the court for cleaning purposes. Access to court

15743. Every inner court of an apartment house more than two stories in height from the lowest floor containing apartments shall be provided with an horizontal intake at its bottom, extending directly to a front of lot, front yard, rear yard, side yard, street, public alley, or public park. Intake: Apartment house

15744. The intake of an apartment house inner court shall Same consist of any of the following:

(a) An unobstructed duct or passageway having a minimum width of three feet in all its parts, and a minimum height of six feet six inches.

(b) An unobstructed open duct containing an interior aggregate area of not less than  $19\frac{1}{2}$  square feet, no dimension of which is less than three feet, covered at each end with a wire screen with a mesh one-half inch in diameter.

(c) If the inner court does not extend below the second floor level, an unobstructed open duct or ducts, containing an interior aggregate area of not less than 10 square feet, no dimension of which is less than 12 inches, covered at each end with a wire screen with a mesh one-half inch in diameter.

Hotel	15745. Every inner court of an hotel more than two stories in height from the lowest floor containing guest rooms shall be provided with an horizontal intake at its bottom.
Same	15746. The intake of an hotel inner court shall consist of an unobstructed open duct containing an aggregate area of not less than five square feet, covered at each end with a wire screen with a mesh one-half inch in diameter.
Materials	15747. Every inner court intake shall be (a) constructed of approved incombustible materials, (b) lathed with metal lath plastered not less than three-quarters of an inch thick, or (c) sheathed solidly with not less than twenty-five-thirty-seconds-inch boards covered with at least number 26 gauge galvanized iron.
Gate	15748. Every inner court intake shall be closed at each end with a gate or grill having not less than 75 per cent open work.
Drain	15749. Every inner court intake shall be drained, and shall be so constructed that it may be readily cleaned.
Walls	15750. If they are surrounded on four sides by the walls of the building, the walls of every inner court of a semi-fireproof or wooden apartment house or hotel shall be constructed either of the materials specified for the inner court walls of fireproof buildings; or of wood studs, with fire stops between the studs at each floor and halfway between each floor, lathed on both sides with metal lath plastered not less than three-quarters of an inch thick. The weather side of any such wall shall either be plastered with Portland cement plaster, or shall be sheathed solidly with not less than thirteen-sixteenths inch boards, covered with metal of not less than number 26 gauge.

## CHAPTER 8. HEIGHT OF BUILDINGS

Building height	15850. For the purpose of this chapter: (a) The height of a building is the perpendicular distance from the actual adjoining sidewalk or ground level to the lowest point of the finished ceiling of the top story of the building.
Street width	(b) The width of a street is measured from the extreme front of a building to the front of lot directly across the street.
Semifire-proof building	15851. The height of a semifireproof apartment house or hotel shall not exceed six stories at any point nor more than two times the width of the widest street abutting the lot on which the building is situated.
Wooden building	15852. The height of a wooden apartment house or hotel shall not exceed any of the following: (a) Three stories for living or sleeping purposes at any point. (b) More than two times the width of the widest street abutting the lot on which the building is situated. (c) Fifty feet at any point above the adjoining sidewalk or actual ground levels.

15853. The height of a semifireproof or wooden apartment house or hotel may be more than two times the width of the widest street abutting the lot on which the building is situated, subject to the following conditions: Exception

(a) That each story above that height is set back not less than six feet from the street facade of the story immediately below it.

(b) That any other height limit applicable to the building is not exceeded.

15854. Any wooden apartment house or hotel with not more than three stories for living or sleeping purposes at any point may have, in addition, a basement with a ceiling height of not more than eight feet above the adjoining sidewalk or ground levels. If, however, the basement contains any room used for living or sleeping purposes, it shall be counted as a story for living or sleeping purposes. Basement

## CHAPTER 9. BASEMENTS

15901. No room in a basement of an apartment house or hotel shall be constructed, altered, or occupied for living or sleeping purposes unless it conforms to all the requirements of this part for living or sleeping rooms in other parts of the building. Rooms

15902. The walls and floor of every basement which are below the ground level shall be waterproof and dampproof, and, whenever ordered by the enforcement agency, the walls and ceiling shall be plastered. Walls and floor

15903. Every basement shall be ventilated. Ventilation

15904. If the ground adjoining a basement is excavated to or below the curb level, or to or below the adjoining natural ground level, the excavated space shall not be less in width than the minimum width specified in this part for the outer courts of the building in which the basement is situated. Excavation

## CHAPTER 10. LOWER FLOOR AIR SPACE

16000. There shall be a clear air space of at least 18 inches under the lowest floor, unless it is masonry floor, of every apartment house, hotel, or dwelling, measured from the under side of the floor joists to the surface directly beneath the floor joists. Air space

The clearance between the girders supporting the joists and the surface directly beneath the girders shall be at least 12 inches. Clearance

16001. The air space shall be inclosed and provided with a sufficient number of openings with screens, lattice work, or similar installations of a size to insure ample ventilation. Ventilation

16002. The air space shall be kept clean and free from any accumulation of rubbish, debris, or filth. Sanitation



## CHAPTER 11. ROOM AND HALLWAY DIMENSIONS

## Article 1. Room Dimensions

- Exceptions** 16050. Except as otherwise provided in this chapter, the provisions of this chapter do not apply to any of the following:
- (a) A water-closet, bath, or slop-sink compartment.
  - (b) A closet.
  - (c) A recess from a room.
  - (d) A dressing room.
  - (e) An entertainment, amusement, or reception room.
  - (f) A dormitory.
- Floor area: Apartment house** 16051. In every apartment in an apartment house at least one room shall contain not less than 120 square feet of superficial floor area, and every other room shall contain not less than 90 square feet of superficial floor area.
- Hotel** 16052. Each guest room in an hotel shall contain not less than 90 square feet of superficial floor area. However, the superficial floor area in the room may be not less than 70 square feet if:
- (a) The required aggregate window area in the room is not less than 16 square feet.
  - (b) It is not occupied or designed for occupancy by more than one person.
- Dwelling** 16053. Each room in a dwelling designed, built, or intended for sleeping purposes shall contain not less than 80 square feet of superficial floor area.
- Kitchen** 16054. Every kitchen in an apartment house or dwelling shall contain not less than 50 square feet of superficial floor area.
- Width** 16055. The minimum width of every room, except a kitchen, in an apartment house, of every room in an hotel, and of every room designed, built, or intended for sleeping purposes in a dwelling shall be not less than seven feet at any point within that portion of the room included in any computation of the minimum allowable floor area of the room.
- Ceiling height: Apartment house; hotel** 16056. Every room in an apartment house more than two stories in height or in an hotel shall have a ceiling height of not less than eight feet, measured from the finished floor to the finished ceiling. In any such room required to have a minimum superficial floor area, the cubic air content shall not be less than a cubic air content computed on the basis of a nine-foot ceiling height, measured from the finished floor to the finished ceiling.
- (Amended by Stats. 1939, Ch. 477.)
- Dwelling** 16057. Every room in a dwelling or in an apartment house not more than two stories in height shall have a ceiling height of not less than eight feet, measured from the finished floor to the finished ceiling.
- (Amended by Stats. 1939, Ch. 477.)
- Sloping ceiling** 16058. If any room in any building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area of the room. No portion of the room meas-

uring less than five feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area of the room, nor shall any portion of the room inclosure have a clear ceiling height of less than three feet.

16059. Any room added to any building shall have a ceiling height not less than that permitted in any other room on the story on which it is added, or not less than seven feet six inches, whichever is greater. Added room

If the added room has a sloping ceiling, the minimum ceiling height is required in only one-half its area. However, the clear ceiling height shall not be less than three feet in every portion of the room inclosure, and the cubic air content of the room shall not be less than a cubic air content computed on the basis of a clear ceiling height of seven feet six inches in every portion of the room. If a minimum superficial floor area is required in the room, no portion of the room in which the ceiling height is less than five feet, measured from the finished floor to the finished ceiling, shall be included in the computation of the area.

16060. Every water-closet compartment in any building shall be at least 30 inches in clear width. Water-closet compartment: Width

16061. Every water-closet, bath, or slop-sink compartment, and every closet or recess from a room shall have a ceiling height of not less than seven feet six inches, measured from the finished floor to the finished ceiling. If it has a sloping ceiling the minimum ceiling height is required in only one-half of its area. Ceiling height

16062. Every closet, recess from a room, or dressing room containing more than 25 square feet of superficial floor area in an apartment house designed and built to accommodate three or more families above the first story, and in an hotel shall conform to all of the provisions of this part applicable to rooms in the building. Closets, etc.

16063. Every amusement, entertainment, reception or public dining room, or room used for similar purposes, shall have a minimum height between the finished floor and the finished ceiling of not less than eight feet. Amusement rooms, etc.

## Article 2. Hallway Dimensions

16100. A public hallway from a stairway shall be measured in the same manner as the stairway; shall be not less than 44 inches in width; and shall have a ceiling height of not less than eight feet, measured from the finished floor to the finished ceiling. Public hallway

If there are furred or occasional structural beams in the finished ceiling, the distance between the bottom of the beams and the finished floor shall not be less than seven feet six inches.

(Amended by Stats. 1947, Ch. 1493.)

16101. Any hallway added to any building shall have a ceiling height not less than that permitted in any other hallway on the same story on which it is added, or not less than seven feet six inches, whichever is greater. Added hallway

## Article 3. Doorways

(Article 3 added by Stats. 1947, Ch. 1493)

16105. In any apartment house or hotel any doorway furnishing public egress shall be not less than 35 inches in clear width and 79 inches in clear height.

(Added by Stats. 1947, Ch. 1493.)

## CHAPTER 12. WINDOWS AND SKYLIGHTS

## Article 1. Buildings Erected Prior to August 17, 1923

Scope of  
article

16200. The provisions of this article apply only to buildings erected prior to August 17, 1923.

Window

16201. Every room occupied for living or sleeping purposes in an apartment house or hotel shall have a window of an area not less than eight square feet, opening directly upon a street, yard, or court; or upon an open and unobstructed shaft, without a roof or skylight over it, not less than 25 square feet in area and in no part less than four feet in width.

Skylight,  
etc.

16202. If a room is on the top floor of the building it may be ventilated by a skylight with fixed or movable louvers opening directly to the outer air; or it may have a window opening upon a vent shaft not less than 10 square feet in area, if the window is not more than three feet below the top of the shaft wall.

Glass area

16203. Unless the skylights met the requirements that were in effect when they were installed, they shall have an effective horizontal area of glass not less than eight square feet, and shall be provided with louvers containing a ventilating area of not less than 400 square inches.

Public  
hallway

16204. Any public hallway in an apartment house or hotel which does not meet the requirements of this part for public hallways shall be provided with light and ventilation to the outer air. The light and ventilation shall be provided by making alterations satisfactory to the enforcement agency.

## Article 2. In Rooms

Window

16221. In every building, each of the following rooms shall have one or more windows, unless it is permitted to be, and is, ventilated by a fan exhaust system of ventilation pursuant to the provisions of this article:

(a) Living room, bedroom, guest room, or dormitory.

(b) Kitchen, scullery, pantry (except a pantry in an apartment), or other room in which food is stored or prepared.

(c) Dining, general amusement, entertainment, reception, or general utility room.

(d) Room or compartment in which is installed a water-closet, shower, bathtub, or toilet.

(e) Slop-sink room.

Opening:  
Yard, etc.

16222. Each window shall open directly into a street or public alley, or a yard or court meeting the requirements of this part and located on the same lot as the building; but if it serves a water-closet or shower compartment, or a bath, toilet, or slop-sink room, it may open directly into a vent shaft.



16223. A window required for a room in an apartment house or hotel shall not open through any roofed porch more than seven feet in depth, measured at right angles from the window unless the porch: Roofed porch

(a) Abuts a street, yard, or court.

(b) Is designed and constructed with one side and one end open and unobstructed, except for the usual rails, balustrades, and similar necessary structural features. If the porch is on the ground or main floor of the building, the open and unobstructed side and end shall be at least 65 per cent open and unobstructed, measured between the floor and the underside of the roof of the porch. If it is above the first or main story, such side and end shall be at least 90 per cent open and unobstructed, measured between the floor and the underside of the roof of the porch.

(c) Has a ceiling height of not less than seven feet.

16224. A window required for a room in an apartment house or hotel shall not open through a roofed porch less than seven feet in depth, unless at least one end or side of the porch is at least 50 per cent open and unobstructed, measured at a right angle from the window, and the porch has a ceiling height of not less than seven feet. Same

16225. A window required for a room in a dwelling shall not open through a roofed porch unless the porch: Same

(a) Abuts a street, yard, or court.

(b) Is designed and constructed with one side or end at least 50 per cent open and unobstructed, measured between the floor and the underside of the porch roof, except for the usual rails, balustrades, and similar necessary structural features.

(c) Has a ceiling height of not less than seven feet.

16226. No window serving a living room, bedroom, kitchen, or other room in which food is stored, cooked, or prepared in an apartment house or hotel shall open into a vent shaft. Vent shaft

16227. Each required window shall be so located as to light properly all portions of the room it serves, and shall be so made and arranged that at least one-half of the aggregate window area required in the room may be opened without obstruction. Location

16228. The total window area shall be not less than 12 square feet or one-eighth of the superficial floor area, whichever is the greater, in each of the following rooms: Window area

(a) In an apartment house, every room except a pantry.

(b) In an hotel, every room, including a general utility room, a kitchen, scullery, pantry, or other room in which food is stored or prepared.

(c) In a dwelling, every kitchen, and every room used for living and sleeping purposes.

16229. The total window area in a water-closet compartment, or bath, toilet, or shower room shall be: Same

(a) In a dwelling, not less than three square feet.

(b) In an apartment house or hotel, not less than six square feet.

If the room contains more than one water-closet, bath, or urinal, the total window area shall be equivalent to three square feet for each water-closet, bath, or urinal, but need not exceed one-fourth of the superficial floor area of the room.

Same 16230. In every building the total window area of each room used, or intended or designed to be used, for amusement, entertainment, reception, public dining, or similar purposes, shall not be less than one-eighth of the superficial floor area of the room, nor less than 12 square feet, but it need not exceed 22½ square feet.

Same 16231. The area of each window in a room in an apartment house or hotel shall not be less than six square feet.

Same 16232. All measurements for window area shall be taken to the outside of the window sash.

Fan exhaust system 16233. In lieu of any window required by this article, the following rooms in apartment houses and hotels may be provided with an approved fan exhaust system of ventilation:

(a) In hotels.

(1) Kitchen, scullery, pantry, or other room in which food is stored, cooked, or prepared.

(2) Laundry room.

(3) Slop-sink room.

(b) In apartment houses or hotels.

(1) Public dining, general amusement, entertainment, reception, or general utility room.

(2) Water-closet or shower compartment, bath or toilet room.

Operation 16234. The fan exhaust system of ventilation shall be so designed and operated as to produce a complete change of air in not more than:

(a) Five minutes in a scullery in an hotel, and in a water-closet or shower compartment, or bath, toilet, or slop-sink room in an apartment house or hotel.

(b) Fifteen minutes in every other room in an apartment house or hotel.

Failure to operate 16235. Any person in charge of a building in which a fan exhaust system of ventilation is installed and used pursuant to this article, who fails, neglects, or refuses to operate and maintain the system in good order and repair so that the air in each room for which it is provided is not completely changed within the specified intervals, is guilty of a misdemeanor.

### Article 3. In Public Hallways

Separate hallway 16261. For the purpose of this article, any part of a public hallway in an apartment house which is offset, recessed, or cut off from any other part of the hallway, and which is more in length than three times the width of the hallway, is a separate public hallway.

Window 16262. In an apartment house, every public hallway that serves three or more apartments on any floor, and in an hotel, every public hallway that serves five or more guest rooms on any floor, shall have at least one window, unless it is per-

mitted to be, and is, lighted or ventilated by a skylight, a connecting hallway, or a fan exhaust system of ventilation, pursuant to the provisions of this article.

16263. Each window shall open directly into a street, or a yard or court meeting the requirements of this part and located on the same lot as the building. Opening:  
Street, etc.

16264. The window shall not open through any roofed porch except a roofed porch through which a required window in a room of an apartment house or hotel may open. Roofed porch

16265. Each window shall be so placed at either the end of or at some other location in the hallway as to secure a maximum of light into the hallway, and shall be so made and arranged that at least one-half of it may be opened without obstruction. Location

16266. Each window shall be at least 29 inches in clear width and 58 inches in height. Its finished sill shall not be more than 30 inches above the adjoining finished floor. Dimensions

16266.5. No transom shall be installed opening from any room into any public hallway or passageway. Transom

(Added by Stats. 1947, Ch. 1493.)

16267. A public hallway in an apartment house or hotel not exceeding two stories in height may, in lieu of any window required by this article, be lighted and ventilated by one or more skylights. Skylight

16268. Each skylight shall be so located that no portion of the hallway will be more than 20 feet, measured from a vertical projection, from a skylight opening. Location

16269. Each skylight shall have an effective horizontal area of glass of not less than 15 square feet, and shall be provided with ridge ventilators or fixed or movable louvers containing a ventilating area of not less than 500 square inches. Glass area

16270. A public hallway in a fireproof hotel may, in lieu of any window, be: Fan exhaust  
system, etc.

(a) Lighted and ventilated by a connecting public hallway equipped with a window or skylight meeting the requirements of this article.

(b) Ventilated by an approved fan exhaust system of ventilation designed and operated to produce a complete change of air in the hallway in not more than 15 minutes.

16271. Any person in charge of a building in which a fan exhaust system of ventilation is installed and used pursuant to this article, who fails, neglects, or refuses to operate and maintain the system in good order and repair so that the air in each public hallway for which it is provided is not completely changed within the specified intervals, is guilty of a misdemeanor. Failure to  
operate

#### Article 4. For Stairways

16300. In an apartment house two or more stories in height containing more than three apartments above the first floor, and in an hotel two or more stories in height containing more than five guest rooms above the first floor, a ventilating sky- Skylight:  
Location



light shall be provided at the roof directly as practicable over each stairway, unless the stairway is provided with windows and ventilated pursuant to the provisions of this article.

**Materials** 16301. Each skylight, including the ventilating openings, and the shutters and closing and opening devices for the ventilating openings, shall be made of approved incombustible materials. Each skylight shall be so arranged that its entire ventilating area may be readily opened, or its ventilators may be fixed permanently in an open position.

**Area: Ventilation** 16302. The ventilating area in each skylight shall be not less than 500 square inches.

**Glass** 16303. If the skylight is placed in an apartment house or hotel two stories in height, it shall have a minimum effective horizontal area of glass of at least 20 square feet. If it is placed in an apartment house or hotel more than two stories in height, it shall have a minimum effective horizontal area of glass of at least 20 square feet, plus three square feet for each story in excess of two.

**Opening** 16304. A vertical opening partially or entirely surrounded by the stairway and extending from the lowest story of the apartment house or hotel in which there are living or sleeping rooms to the skylight, shall be maintained in connection with the skylight. The opening shall have an horizontal area of at least seven square feet, and shall not be less than one foot in any dimension.

**Window** 16305. The skylight required by this article may be omitted if windows similar to those required by this chapter for public hallways of apartment houses or hotels are placed at a location adjoining a stairway. Each window shall be provided with an open louver or ventilator containing a ventilating area of not less than 100 square inches. The louver or ventilator may be placed in the roof over the stairway, in which event its ventilating area shall be not less than 500 square inches.

### CHAPTER 13. STAIRWAYS AND ENCLOSURES

(Heading amended by Stats. 1947, Ch. 1493)

#### Article 1. Stairways

(Heading added by Stats. 1947, Ch. 1493)

**Floor area** 16400. For the purpose of this article:

(a) Floor area includes all the area inside the exterior walls of a building, excluding any area occupied by vent shafts and courts.

**Computation basis** (b) The floor above the first or ground floor having the largest floor area shall be used as the basis for computing the number of stairways required in any apartment house or hotel. However, the number of stairways from that portion of a building above the floor having the largest floor area may be computed on the basis of the floor having the largest floor area in that portion of the building.

(c) The width of each stairway shall be measured in the clear of all projections except (1) the baseboard, and (2) one hand-rail or newel post on each side projecting not more than three and one-half inches into the stairway width. Width measurement

(Amended by Stats. 1947, Ch. 1493.)

16401. Every fireproof apartment house or hotel shall have not less than one stairway which shall be not less than 44 inches wide for each 8,000, or fractional part of 8,000, square feet of floor area in any one floor above the first floor. Fireproof building

(Amended by Stats. 1947, Ch. 1493.)

16402. Every semifireproof apartment house or hotel shall have not less than one stairway, which shall be not less than 44 inches wide for each 6,000, or fractional part of 6,000, square feet of floor area in any one floor above the first floor. Semifireproof building

(Amended by Stats. 1947, Ch. 1493.)

16403. Every wooden apartment house or hotel shall have not less than one stairway, which shall be not less than 44 inches wide for each 5,000, or fractional part of 5,000, square feet of floor area in any one floor above the first floor. Wooden building

(Amended by Stats. 1947, Ch. 1493.)

16403.5. In an apartment situated only on the first and second stories of an apartment house, any required stairway terminating at the second story and for the exclusive use of the occupants of the apartment and their invitees, may be not less than three feet in width. Apartment on first and second story

(Added by Stats. 1939, Ch. 477.)

16404. Every apartment house or hotel three or more stories in height shall have not less than one stairway leading from the outside to every basement or cellar in the building. The stairway shall be not less than three feet wide. Basement stairway

(Amended by Stats. 1947, Ch. 1493.)

16404.5. Interior basement or cellar stairways in an apartment house or hotel three or more stories in height shall be enclosed in accordance with the requirements for interior public stairways specified in Article 2 of this chapter. They shall be cut off from the first or ground floor by a partition and door conforming to the requirements for exit doors and enclosing walls of interior stairways in such buildings specified in Article 2 of this chapter. Interior basement stairways

(Added by Stats. 1947, Ch. 1493.)

16405. Each of the following buildings shall be so designed and constructed that every apartment or guest room within it shall have not less than two means of egress to the floor next below the floor on which the apartment or guest room is located, and to a street, or to a yard or court having unobstructed access to a street or public alley: Room egress

(a) An apartment house three or more stories in height.

(b) An apartment house two or more stories in height, in which there are more than four apartments above the first floor.

(c) An hotel three or more stories in height.

(d) An hotel two stories in height in which there are more than six guest rooms above the first floor.

**Same** 16406. Each means of egress shall be either a stairway or fire escape constructed in accordance with this part.

**Same** 16407. Each means of egress shall be accessible from every apartment, or guest room, either directly or through a public hallway, and shall be so located that if one becomes blocked, the other shall be available.

**Elevator abutment** 16408. No stairway in any building shall abut on more than one side of an elevator shaft, except on the lowest and topmost stories, and then only if the stairway is so located that it can be approached from the street entrance without having to pass by or in front of the open side of the shaft.

**Location over furnace, etc.** 16409. No stairway in any apartment house or hotel shall be located over a furnace, steam boiler, or gas meter, or heater; nor shall any such furnace, boiler, meter, or heater be placed under a stairway, unless it is located in a room the walls and ceilings of which meet the wall and ceiling requirements for boiler rooms. No stairway leading from any other portion of a building shall terminate in or pass through a boiler room.

(Amended by Stats. 1947, Ch. 1493.)

**Rise and run, etc.** 16410. Every stairway in an apartment house or hotel shall have risers of not more than seven and one-half inches and treads of not less than 10 inches, without change in the rise or run between floors. It shall also have a vertical headroom clearance of not less than six feet six inches.

(Amended by Stats. 1947, Ch. 1493.)

**Tread** 16411. In every apartment house or hotel the tread in every stairway shall be of equal width for every run of stairs, and shall not vary in the width of the stairs.

(Amended by Stats. 1947, Ch. 1493.)

**Construction** 16412. Each stairway required in an apartment house or hotel three or more stories in height shall be continuous from the ground floor level to the top story, and shall be located in such manner that each flight will be directly above the flight below it, or in plain view of each succeeding flight. No such stairway need be carried above the floor used as the basis for computing the number of required stairways pursuant to subdivision (b) of Section 16400.

(Amended by Stats. 1947, Ch. 1493.)

**Distance from apartment to stairway, etc.** 16412.5. The hallway or passageway distance from the nearest exit door of any apartment in an apartment house or guest room in a hotel to a required stairway or fire escape serving the story on which the door is located shall not exceed 100 feet.

(Added by Stats. 1947, Ch. 1493.)

**Handrail** 16413. Every stairway shall have at least one handrail. If a stairway is 44 inches or more in width, it shall have one handrail on each side.

When the width of a stairway exceeds 88 inches, there shall be provided intermediate handrails continuous between land-



ings and dividing the stairway into portions not more than 66 inches in width.

(Amended by Stats. 1947, Ch. 1493.)

16414. Any stairway not required by this part shall not be less than 30 inches in width.

(Amended by Stats. 1947, Ch. 1493.)

16414.5. Any exterior stairway in an apartment house or hotel shall be constructed of incombustible material or of wood not less than two inches nominal in thickness. No exterior stairway made of combustible material shall be installed on any semifireproof or fireproof building.

Construction material

(Added by Stats. 1947, Ch. 1493.)

16415. No closet shall be constructed under any wooden stairway in any apartment house or hotel more than two stories in height designed and built to accommodate three or more families or six or more guests above the first story. The space under the stairway shall be left entirely open, and kept clean and free from all encumbrances; or it shall be effectively closed with walls of studs, lathed with metal lath plastered not less than three-quarters of an inch thick, without a door or any other opening.

Space under stairway

16416. In every apartment house or hotel more than two stories in height, the stairway nearest the main entrance of the building shall be carried to the roof level and give egress to the roof through a penthouse or roof structure unless the roof has a slope greater than four in twelve. The portion of the stairway from the topmost story to the roof level shall not be less in width than two feet six inches and shall be enclosed in accordance with the requirements specified for interior stairway enclosures in Article 2 of this chapter.

Roof egress

(Amended by Stats. 1947, Ch. 1493.)

16417. The penthouse shall be built either of fireproof materials or of wood studs, lathed with metal lath plastered not less than three-quarters of an inch thick; or may be covered with tin or other metal.

Penthouse Materials

16418. The door to the roof from the penthouse or roof structure shall be self-closing, shall open outward, and shall be covered on both sides and edges with tin or other metal.

Door

16419. The frames and trim of the opening for the door shall be covered with tin or other metal, and all glass in the door shall be wired glass not less than one-quarter of an inch thick.

Door opening

16420. In every apartment house or hotel more than two stories in height having a roof with a slope greater than four in twelve, the stairway nearest the main entrance of the building need not be carried to the roof level. However, a scuttle not less than two by three feet shall be constructed through the ceiling and roof in the public hallway over the stairway; and a stairway or stationary ladder not less than 20 inches wide and with rungs not more than 12 inches apart, leading from the top floor to the roof, shall be installed. Such access to the roof shall

Scuttle

be enclosed in accordance with the requirements specified for interior stairway enclosures in Article 2 of this chapter.

(Amended by Stats. 1947, Ch. 1493.)

Building in  
existence  
August 17,  
1923

16421. Every apartment house or hotel more than two stories in height, in existence on August 17, 1923, which is not provided with a stairway carried to the roof, shall afford egress to the roof through a penthouse, or through a scuttle not less than two by three feet, located in the ceiling of a public hallway; and shall have a stairway or stationary ladder, readily accessible to all the tenants of the building, leading from the top floor to the roof.

Door  
fastening

16422. No scuttle or penthouse door in any hotel or apartment house shall at any time be locked with a key, but may be fastened on the inside by a movable bolt or lock.

Dwelling  
egress

16423. Every dwelling more than two stories in height shall have a least two means of egress from the topmost story to the second story. Each means of egress shall be either a stairway or a fire escape.

## Article 2. Stairway Enclosures: Buildings Hereafter Constructed

(Article 2 added by Stats. 1947, Ch. 1493)

Interior  
stairway

16430. Every interior public stairway in an apartment house or hotel three or more stories in height hereafter constructed shall be enclosed as specified in this article.

(Added by Stats. 1947, Ch. 1493.)

Same:  
Second  
floor only

16431. A stairway enclosure is not required for a stairway serving only the second floor and not connected with, or forming a part of, any stairway serving any floor above the second.

(Added by Stats. 1947, Ch. 1493.)

Stairway  
landings  
and exits

16432. A stairway enclosure shall include the necessary landings between flights and any hallways or passageways necessary for continuous exit to a court, yard, or street.

(Added by Stats. 1947, Ch. 1493.)

Construc-  
tion: Semi-  
fireproof  
hotel, etc.

16433. In the case of any wooden or semifireproof hotel or apartment house the enclosing walls shall be constructed of no less fire resistive materials than metal lath with  $\frac{3}{4}$  of an inch of plaster on both sides of wooden studs.

(Added by Stats. 1947, Ch. 1493.)

Same:  
Fireproof  
hotel, etc.

16434. In the case of any fireproof hotel or apartment house the enclosing walls shall be constructed of incombustible materials, and shall be no less fire resistive than reinforced concrete five inches thick or unit masonry eight inches thick.

(Added by Stats. 1947, Ch. 1493.)

Enclosing  
walls

16435. The enclosing walls shall extend from the floor of the lowest story served to and including the ceiling of the topmost story served.

(Added by Stats. 1947, Ch. 1493.)

16436. Access to the stairway shall be available at each story level served by the stairway through doors which shall swing in the direction of exit travel.

Access to  
stairway

(Added by Stats. 1947, Ch. 1493.)

16437. The doors shall open upon a landing not less in depth than the width of the stairs or not less than 44 inches in any horizontal direction, whichever is the smaller dimension.

Landing  
doors

(Added by Stats. 1947, Ch. 1493.)

16438. Doors shall be so hung that when fully open they shall not reduce the usable dimension of the landing by more than eight inches in any direction nor in any way obstruct the stairway.

Hanging of  
doors

(Added by Stats. 1947, Ch. 1493.)

16439. There shall be no openings into exit enclosures except exit doorways and openings in the exterior walls and the roof.

Exit door-  
ways, etc.

(Added by Stats. 1947, Ch. 1493.)

16440. Every exit door in a stairway enclosure shall be a self-closing class "B" fire door.

Self-closing  
fire door

(Added by Stats. 1947, Ch. 1493.)

16441. Every opening in an exterior wall forming part of a stairway enclosure shall be protected by a class "E" fire door or window, unless such opening is directly to a street.

Opening in  
exterior  
wall, etc.

(Added by Stats. 1947, Ch. 1493.)

16442. Every fire door shall bear the label of the Underwriters' Laboratories, Incorporated.

Label on  
fire door

(Added by Stats. 1947, Ch. 1493.)

16443. Installation and mounting of the door and windows and the material used in the windows and in the frame and trim shall be as specified in the National Board of Fire Underwriters' pamphlet No. 80 entitled "Regulations for the Protection of Openings in Walls and Partitions Against Fire," dated January, 1939.

Door and  
window  
material,  
mounting,  
etc.

(Added by Stats. 1947, Ch. 1493.)

## CHAPTER 14. FIRE ESCAPES

### Article 1. Number and Kind Required

16500. For the purpose of this chapter, floor area includes all the area inside the exterior walls of a building, excluding any area occupied by vent shafts and courts.

Floor area

16501. Every apartment house or hotel more than two stories in height shall have at least one fire escape. However, an exterior stairway constructed in accordance with Section 16414.5 may be installed and computed as a fire escape on or in a wooden apartment house or hotel not more than three stories in height.

Minimum  
number

(Amended by Stats. 1947, Ch. 1493.)

16502. If the building is a fireproof apartment house or hotel in which the floor area on any one floor above the second floor exceeds 8,000 square feet, it shall have one additional fire escape for each 7,000, or fractional part of 7,000, square feet of floor area on such floor in excess of the first 8,000 square feet.

Additional:  
Fireproof  
building

(Amended by Stats. 1947, Ch. 1493.)



Semifireproof  
or wooden  
building

16503. If the building is a semifireproof or wooden apartment house or hotel in which the floor area on any one floor above the second floor exceeds 6,000 square feet, it shall have one additional fire escape for each 7,000, or fractional part of 7,000, square feet of floor area on such floor in excess of the first 6,000 square feet.

(Amended by Stats. 1947, Ch. 1493.)

Type of  
fire escape

16504. Any fire escape required by this part in an apartment house or hotel shall be one of the following types:

- (a) Type 1.
- (b) Type 2.
- (c) Type 3.
- (d) Type 4.
- (e) Type 5.

It shall conform to all the provisions of this chapter relating to its particular type.

## Article 2. Location

Generally

16520. Every fire escape required by this part for a building shall be so located on the building as to furnish the best means of escape for the occupants. On a semifireproof or wooden apartment house or hotel at least one required fire escape shall be located on a street front.

Balcony or  
vestibule

16521. Every fire escape balcony or vestibule installed on any building shall abut a street or public alley, or open directly on a yard or court having the dimensions specified in this part.

Means of  
access

16522. Fire escapes shall be so located that access may be had to a fire escape from the interior of the building for which they are provided through any of the following means:

- (a) A public hallway not less than 44 inches wide.
- (b) Directly from each apartment in an apartment house or guest room in an hotel, without having to pass through another apartment or guest room.
- (c) A public parlor, public lobby, or similar room connected directly with a public hallway through a clear and unobstructed opening without doors.

(Amended by Stats. 1947, Ch. 1493.)

Passageway:  
Dimensions

16523. If any stairway or stairway enclosure mentioned in Article 2 of Chapter 13 or any fire escape is installed in or on any building and terminates at the bottom in a yard or court, there shall be provided a clear and unobstructed passageway not less than three feet in width and not less than seven feet in height leading from the yard or court to a street or alley.

(Amended by Stats. 1947, Ch. 1493.)

Construction  
requirements

16524. Any portion of the passageway that passes through a building or other structure shall be constructed in accordance with the requirements of Article 2 of Chapter 13 for the construction of stairway enclosures.

(Amended by Stats. 1947, Ch. 1493.)

16525. (Repealed by Stats. 1947, Ch. 1493.)

16526. Every door on any opening in the passageway shall Door open only in the direction of egress, and shall not obstruct the required width of the passageway.

(Amended by Stats. 1947, Ch. 1493.)

16527. Signs both pointing toward and marking the loca- Signs tions of stairways and fire escapes shall be placed on each floor of the building for which the stairways and fire escapes are installed.

(Amended by Stats. 1947, Ch. 1493.)

### Article 3. Strength and Supports

16540. Each fire escape balcony platform shall be designed Platform to carry its own dead load, a live load of 100 pounds for each square foot of its area, computed by using outside dimensions, and the live and dead loads from the ladders or stairs supported by it.

16541. Each fire escape ladder shall be designed to with- Ladder stand a horizontal pressure of 100 pounds per square foot.

16542. Each fire escape stairway shall be designed to carry Load its own dead load and a live load of 150 pounds per square foot of horizontal projection.

16543. Each top rail of a fire escape balcony balustrade Top rail shall be designed to withstand a horizontal pressure of 100 pounds per lineal foot of railing.

16544. Each fire escape balcony shall be independently Balcony supported.

16545. The fastenings of a fire escape balcony to a build- Fastenings ing shall be designed to carry a 25 per cent greater load than the total dead and live loads carried by the balcony. The balcony anchorage shall be direct to the structural steel or iron members of the balcony balustrade and platform, and shall be extended into the walls and anchored into the structural work of the building.

### Article 4. Door and Window Openings

16560. The level of the inside sill of a door or window in a Sill level building giving access to a fire escape balcony shall be not more than 30 inches above the adjoining floor in the building.

16561. The door or window opening shall be not less than Dimensions 29 inches in clear width, nor less than 58 inches in height.

16562. The window or door openings shall be of a type that Type will not obstruct the fire escape.

16563. If double-hung windows are used in the opening, the Sash lower sash shall be at least the size of the upper sash, and shall slide to the top of the opening.

16564. Any lock on any window opening shall be of a Lock type which can be readily opened from the interior of the building without the use of a key or other tool.

## Article 5. Type 1 Fire Escape

Generally	16600. A type 1 fire escape shall be constructed entirely of galvanized metal, and shall have: (a) A balcony at each story above the first story of the building for which it is provided. (b) An inclined stairway connecting all balconies. (c) A gooseneck ladder connecting the topmost balcony to the roof of the building.
Support, etc.	16601. The fire escape shall be framed and riveted or bolted together in a solid and substantial manner; and shall be properly supported, braced, and fastened to the outside walls of the building so that it will be rigid, durable, and secure, and able to carry the loads prescribed by this chapter.
Balcony: Lowest	16602. The lowest balcony of any fire escape on or in any apartment house or hotel heretofore or hereafter constructed shall be not more than 22 feet above the street or ground level directly under it, and it shall be equipped with a counter-balanced or permanent ladder which reaches the ground. (Amended by Stats. 1947, Ch. 1493.)
Platform	16603. Every balcony platform shall be fastened to the outside wall of the building by building in and anchoring, or by securely bolting, it and its balustrade framing to the wall. Every balcony shall be supported by brackets, braces, or struts fastened, or built in and anchored, to the walls.
Width	16604. Each balcony shall be not less than 44 inches in width nor less than 33 square feet in area.
Balustrade	16605. The balustrade of each balcony shall be not less than 34 inches high, and shall be without any opening greater than eight inches in horizontal dimension.
Opening	16606. No opening, except the stairway opening, in a balcony platform shall be greater than one inch in width.
Same	16607. The stairway opening in a balcony shall be not less than 21 inches wide, nor less than 40 inches long.
Connecting stairway	16608. The inclined stairway connecting the balconies shall be not less than 18 inches in width, and shall be so placed that it will in no part be nearer than 21 inches from the face of the wall.
Inclination	16609. The stairway shall have an inclination of not less than four and not more than six inches, measured horizontally, to each 12 inches of vertical height.
Treads	16610. The stairway treads shall be not less than four inches wide, and shall be placed not more than 12 inches apart.
Handrail	16611. Each side of the stairway shall have a handrail not less than one inch in diameter, fastened to the stair stringers and continued around the stairway opening of each balcony platform.
Ladder: Bracing	16612. The gooseneck ladder shall be securely braced and fastened to the outside wall, but shall not pass in front of any opening in the wall to the interior of the building.
Width, etc.	16613. The ladder shall be not less than 15 inches wide. It shall extend vertically from the topmost balcony to a point three feet above the fire wall or roof, and shall then be brought



down and fastened to the inside face of the fire wall or the roof.

16614. The rungs of the ladder shall be not less than five-eighths inch round iron or steel, and shall be placed not more than 14 inches apart. Rungs

16615. Any cornice opening for the passage of the ladder shall be not less than 24 inches in width and 24 inches in the clear outside the ladder. Cornice opening

### Article 6. Type 2 Fire Escape

16640. A type 2 fire escape is a type 1 fire escape, except that it has balconies made of reinforced concrete or fireproofed iron or steel, with fastenings of similar material. Definition

### Article 7. Type 3 Fire Escape

16650. A type 3 fire escape is any inclosed, approved, metallic, spiral fire escape, consisting of a rigid form of an inclined chute constructed entirely of incombustible material. Definition

16651. It shall meet the satisfaction of the enforcement agency as to its being as solid, substantial, durable, and fireproof in construction as a type 1 fire escape. Construction

16652. It shall be securely attached to the outside wall of the building for which it is provided. Attachment

16653. It shall be provided with proper means of ingress from the building, proper means of egress at its bottom, and means of enabling firemen to reach the roof from the ground. Ingress and egress

16654. It shall be equipped with standpipes. Standpipes

16655. It shall provide at least as safe and efficient a means of escape for the occupants of the building as, and shall furnish all the protection and utility afforded by, a type 1 fire escape. Safety and efficiency

### Article 8. Type 4 Fire Escape

16670. A type 4 fire escape is a fire and smoke tower consisting of a wall-inclosed stairway which: Definition

(a) Extends from the first floor exit level to the roof of the building for which the fire escape is provided, and is not less than 20 inches in width.

(b) Is constructed of reinforced concrete, iron, or steel, or a combination of these materials.

(c) Has one handrail on each side for its entire length.

(d) In all other details conforms to the provisions of this chapter relating to stairways of type 1 fire escapes.

16671. The tower shall be constructed at a point adjoining the exterior walls of the building. Location

16672. The tower shall be entirely inclosed with walls of brick, terra cotta tile, concrete, or reinforced concrete, not less than eight inches thick. Walls: Materials

16673. There shall be no openings in the walls of the tower into the building. Openings

16674. The walls shall extend from the basement to a point three feet above the roof of the building. Extension

Covering	16675. There shall be no covering over the tower except a covering constructed of approved incombustible materials and provided with permanent open louvers or other permanent unobstructed openings to the outer air having an aggregate open area equivalent to 50 per cent of the aggregate superficial area of the covering.
Use for support	16676. The walls of the tower shall not be used to carry or support any floor joist, beam, girder, or other structural feature of the building, nor shall they be chased for any pipe, conduit, or other purpose.
Exit and entrance	16677. The tower shall have an exit at the first floor level opening directly to a street or yard, and shall have an entrance by means of an outside balcony at each floor.
Balcony: Floor	16678. Each balcony shall have a solid floor and, in all other details, shall conform to the requirements for type 1 fire escapes.
Location, etc.	16679. Each balcony shall be located and arranged to connect with a door opening from a public hallway in the interior of the building and with a door opening from the balcony to the tower. Each door opening shall be not less than 30 inches wide by 72 inches high, and shall be equipped with a class "B" fire door of the type specified in Article 20 of Chapter 13. (Amended by Stats. 1947, Ch. 1493.)

#### Article 9. Type 5 Fire Escape

Definition	16690. A type 5 fire escape is a type 4 fire escape, except for the deviations permitted by this article.
Vestibules: Material	16691. Instead of an outside balcony at each floor, there shall be a vestibule at each floor with inclosing walls continuous with, and of the same materials and thickness as, the inclosing walls of the tower.
Opening	16692. The vestibule opening shall be direct from a public hallway, and shall be equipped with metal-covered doors.
Floor	16693. The vestibule floor shall be of masonry construction.
Inclosure opening	16694. The vestibule inclosure shall have an opening at each floor through the exterior wall of the building, extending from the floor to the ceiling and not less in width than three-fourths of the width of the vestibule. The opening shall be protected with an open metallic balustrade similar to that specified for balconies of a type 1 fire escape.

#### Article 10. Maintenance and Repair

Maintenance and repair	16705. Every fire escape in or on an apartment house or hotel shall at all times be maintained in good order and repair, be well painted, be kept clear and unobstructed, and be readily accessible.
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## CHAPTER 14.5. FIRE PROTECTION EQUIPMENT

(Ch. 14.5 added by Stats. 1947, Ch. 1493)

## Article 1. Fire Alarms

16710. Every apartment house three (3) stories or more in height and containing more than 15 apartments and every hotel three (3) stories or more in height containing 20 or more guest rooms shall have installed therein an approved automatic or manually operated fire alarm system designed to warn the occupants of the building in the event of fire. Such fire alarm system shall be so designed that all occupants of the building may be warned simultaneously.

Fire alarm system

(Added by Stats. 1947, Ch. 1493.)

16710.2. No signal system or intercommunicating system used for any purpose other than fire warning meets with the requirements of this article.

Same: Requirements

(Added by Stats. 1947, Ch. 1493.)

16710.4. Installation, inspection, and maintenance of the fire alarm system shall be according to the standards of the National Board of Fire Underwriters' pamphlet No. 72 entitled "Proprietary, Auxiliary and Local Systems for Watchman, Fire Alarm and Supervisory Service," dated 1941.

Installation, inspection, etc.

(Added by Stats. 1947, Ch. 1493.)

16710.6. Stations for operating any manually operated fire alarm system shall be placed immediately adjacent to the telephone switchboard in the building, if there is a switchboard, and at such other locations as may be required by the fire department.

Operating stations

(Added by Stats. 1947, Ch. 1493.)

## Article 2. Automatic Sprinkler Systems

16711. Any compartment or room in any apartment house or hotel basement or cellar containing more than 1,800 square feet of floor area, or any basement or cellar compartment or room in such a building used for storing combustible materials, shall be equipped with an automatic sprinkler system of a type designed and installed according to the standards of the National Board of Fire Underwriters' pamphlet No. 13 entitled "Installation of Sprinkler Equipment," dated 1943.

Automatic sprinkler system

(Added by Stats. 1947, Ch. 1493.)

16711.2. The sprinkler system in an area having less than 1,800 square feet may be attached to a domestic water system if the water supply and pressure conforms to the National Board of Fire Underwriters' standards.

Same

(Added by Stats. 1947, Ch. 1493.)

16711.4. Boiler rooms, central heating rooms, and bank vaults are excluded from this article.

Exclusions

(Added by Stats. 1947, Ch. 1493.)



### Article 3. Portable Fire Extinguishers

Portable fire extinguishers	16712. In every apartment house or hotel portable fire extinguishers shall be provided and placed in accessible and conspicuous locations. (Added by Stats. 1947, Ch. 1493.)
Number and location	16712.2. There shall be at least one (1) two and one-half ( $2\frac{1}{2}$ ) gallon extinguisher on each main hallway of every story, and the distance of travel to an extinguisher from any point in the hallway shall not exceed 75 feet. (Added by Stats. 1947, Ch. 1493.)
In garage	16712.4. In every garage containing storage space for more than three cars, there shall be one (1) two and one-half ( $2\frac{1}{2}$ ) gallon extinguisher for the first 1,000 square feet or fraction thereof of storage space, and an additional extinguisher for each 2,000 square feet or fraction thereof. (Added by Stats. 1947, Ch. 1493.)
In paint or spray room	16712.6. In every apartment house or hotel paint or spray maintenance room there shall be one (1) two and one-half ( $2\frac{1}{2}$ ) gallon extinguisher for each 2,500 square feet of floor area or fraction thereof. (Added by Stats. 1947, Ch. 1493.)
In public rooms	16712.8. In every amusement, entertainment, bar, reception, lobby, or public dining room, or public kitchen, or room used for similar purposes fire extinguishers shall be installed and maintained in accordance with the standards of the National Board of Fire Underwriters' pamphlet No. 10 entitled "Installation, Maintenance and Use of First Aid Fire Appliances," dated August, 1938. (Added by Stats. 1947, Ch. 1493.)
Type	16712.10. In lieu of the $2\frac{1}{2}$ gallon extinguishers specified in this article, there may be substituted any other type or size of extinguisher approved by the fire department. (Added by Stats. 1947, Ch. 1493.)
Approval	16712.12. Every extinguisher shall be approved by the Underwriters' Laboratories, Inc. (Added by Stats. 1947, Ch. 1493.)
Maintenance	16712.14. Every extinguisher shall be kept in a serviceable condition at all times. A soda and acid or foam type of extinguisher shall be recharged at least once each year, and the date of recharge shall be placed on an attached tag. (Added by Stats. 1947, Ch. 1493.)

### Article 4. Flame-Retardant Treatment of Decorative Material

Drapes, etc.	16713. Any drapes, hangings, curtains, or similar decorative materials in any amusement, entertainment, bar, reception, lobby, or public dining room, or room used for similar purposes, or along the walls or ceiling of any public hallway, or along the walls or on the soffits of any interior public stairway, in any apartment house or hotel shall be of incombustible material, or
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shall be treated and maintained in a flame-retardant condition by means of a flame retardant as defined in Section 13115 of this code.

(Added by Stats. 1947, Ch. 1493.)

16713.2. False ceilings of combustible materials shall not be used in any of the places mentioned in this article. False ceilings

(Added by Stats. 1947, Ch. 1493.)

## CHAPTER 15. COMBINED STAIRWAY AND FIRE ESCAPE

16720. A type 4 or type 5 fire escape in an apartment house or hotel may be used as a combined stairway and fire escape, and may be computed as one of the stairways and one of the fire escapes required in the building, if there is at least one other stairway in the building extending from the first or ground floor to the topmost story and constructed in accordance with the provisions of this part. Type 4 or 5 fire escape

(Amended by Stats. 1947, Ch. 1493.)

16720.5. In the event that a type 4 or type 5 fire escape is constructed as a combined fire escape and stairway, it shall conform to the enclosed stairway requirements with respect to landings, width, rise, and run set forth in Sections 16401, 16402, 16403, 16410, 16436, 16437, and 16438. Same: Construction

(Added by Stats. 1947, Ch. 1493.)

16721. (Repealed by Stats. 1947, Ch. 1493.)

## CHAPTER 15.5. LOCKING APPLIANCES

(Ch. 15.5 added by Stats. 1947, Ch. 1493)

16730. Every locking appliance on a door or window furnishing required egress from any hotel or apartment house shall be of a type which can be readily opened from the interior of the building without the use of a key or any special knowledge or effort. Door and window locks

(Added by Stats. 1947, Ch. 1493.)

## CHAPTER 16. STANDPIPES

16740. Every apartment house or hotel four or more stories in height shall have one or more metallic standpipes not less than four inches in internal diameter. Requirement

16741. Each standpipe shall have a Siamese inlet valve not less than one foot nor more than four feet above the sidewalk or the ground directly under it, and an outlet valve at each story above the first story and on the roof. Valves: Location

16742. One standpipe shall be placed on or in the exterior walls of the building at one fire escape, and each of its outlet valves shall be readily accessible from one end of the fire escape balcony on the story on which the valve is located. Accessibility

16743. The inlet and outlet valves on every standpipe shall be threaded, and shall be of a size that can meet the standard fire equipment connections of the fire department of the locality in which the apartment house or hotel is erected. Threading, size, etc.

The materials used in, and the installation of, the standpipe shall meet with the approval of the enforcement agency.

Wet stand-  
pipes,  
hose, etc.

16743.5. Every apartment house three or more stories in height containing more than 15 apartments and every hotel three or more stories in height containing 20 or more guest rooms, hereafter constructed, shall be equipped with:

(a) Wet standpipes and hose in sufficient number so that all parts of every floor can be reached within 20 feet by a nozzle attached to 75 feet of hose.

(b) Pipes of such size and with sufficient water supply to afford two simultaneous streams totaling at least 70 gallons per minute at a pressure during flow of at least 25 pounds per square inch at the highest hose outlet. No standpipe shall be less than 2 inches in diameter for buildings four stories or less in height, nor less than 2½ inches for buildings exceeding four stories in height.

(c) Pipe and fittings of sufficient strength to withstand safely the pressure to which they may be subjected.

(d) Hose valves of approved type and, if the gate type, having suitable open drip connections to prevent leakage into the hose.

(e) Hose kept on an approved rack or reel with its location conspicuously marked by a sign.

(f) Hose of at least 1½ inch size not to exceed 75 feet in length.

(g) Nozzles not exceeding ½ inch in diameter, unless otherwise specified by the fire department.

(h) Standpipes, hose, and their supports so installed as not to obstruct any public hallway, stairway, or any exit.

(Added by Stats. 1947, Ch. 1493.)

Time of  
installation

16744. The standpipes required by this chapter need not be installed in any apartment house or hotel until such time as it becomes practicable and possible to obtain running water for the efficient use of the standpipes in case of fire. The enforcement agency shall decide whether or not it is possible and practicable to obtain running water.

## CHAPTER 17. SHAFTS

"Shaft"  
defined

16770. As used in this chapter, "shaft" means an elevator shaft, a dumb-waiter shaft, or other interior shaft.

Inclosing  
walls:  
Fireproof  
building

16771. Every shaft in a fireproof apartment house or hotel shall be inclosed in walls constructed of concrete, reinforced concrete, brick, terra cotta tile, or other similar hard incombustible material; or in walls constructed of metal studs lathed with metal lath plastered on both sides so as to make a solid partition not less than two inches thick, the metal to be imbedded thoroughly in the plaster.

Semifire-  
proof or  
wooden  
building

16772. Every shaft in a semifireproof or wooden apartment house or hotel shall be inclosed by the same kind of walls required by this part for a fireproof building; or by walls constructed of wood studs, with firestops between the studs at each floor and half way between each floor, lathed on both



sides with metal lath plastered not less than three-quarters of an inch thick.

16773. Every opening from any shaft into the building in which the shaft is installed shall be equipped with a metal door, together with a metal door frame and trim, or the door and door frame shall be constructed of wood covered with metal on the shaft side of the door and door frame. Door opening

16774. Every window in a shaft or shaft door shall be of wired glass not less than one-fourth of an inch thick, set in a metal sash, or a sash metal-covered on the shaft side of the window. Window

16775. Every door or window in a shaft shall close tight, and every door, except an elevator door, in the shaft shall be self-closing. Closing

16776. At the roof over every elevator shaft there shall be a ventilating skylight or a ventilator with open louvers to provide ventilation for the shaft. Skylight

## CHAPTER 18. AIR DUCTS

16800. Every duct used for the transmission of air, whether for ventilating, cooling, or heating purposes, and forming part of any mechanical system of ventilation or air conditioning system, installed in any apartment house or hotel, shall be constructed of either of the following materials: Air ducts

(a) Approved incombustible materials.

(b) Approved metal not less than number 26 gauge, with lock-jointed seams and with all joints connecting each duct unit effectively riveted or otherwise securely attached.

(Amended by Stats. 1947, Ch. 1493.)

## CHAPTER 19. VENT SHAFTS

16820. Every vent shaft in an apartment house or hotel shall be inclosed with walls meeting the requirements of this part for elevator shaft walls in the building. Walls

However, in a semifireproof or wooden apartment house or hotel, the outside or weather side of the vent shaft, and that portion of the shaft extending from the ceiling joists to the top of the building, may be lined with metal in lieu of metal lath and plaster. If metal lining is used in the shaft, the shaft shall be sheathed solid with boards not less than twenty-five thirty-seconds of an inch in thickness.

16821. Plaster on the weather side of any vent shaft shall be Portland cement plaster. Plaster

16822. Every opening from any vent shaft into the building for which it is installed, and every window in the shaft, shall be equipped in compliance with the requirements of this part for openings and windows in elevator shafts in the building. Openings

16823. An apartment house vent shaft bounded on one or more sides by a lot line shall be not less than two feet in its least dimension, and not less than 16 square feet in area. Dimensions:  
Apartment  
house

Every other apartment house vent shaft shall be not less than four feet in its least dimension, and not less than 16 square feet in area.

If any apartment house vent shaft exceeds 50 feet in height, measured from the bottom to the top of its walls, it shall throughout its entire height be increased in area one square foot for each additional 10, or fractional part of 10, feet above 50 feet.

**Hotel** 16824. An hotel vent shaft shall be not less than 30 inches in its least dimension, and not less than 12 square feet in unobstructed area.

**Dwelling** 16825. A dwelling vent shaft shall be not less than three feet in its least dimension.

16826. Every vent shaft shall be open and unobstructed to the sky.

**Parapet or rail** 16827. A parapet or rail at least 30 inches in height shall be constructed at the roof line of every vent shaft in an apartment house or hotel so that no person may walk or fall into the shaft.

**Pipes in vent shafts** 16828. Plumbing, gas, steam, or other similar pipes may be placed in vent shafts in apartment houses or hotels.

**Door or window** 16829. Every vent shaft in an apartment house shall be provided with a door or window at or near its bottom permitting access to the shaft for cleaning purposes.

**Cleaning** 16830. Every vent shaft shall be so arranged that it may be readily cleaned.

**Air intake** 16831. Every vent shaft in an apartment house or hotel, except an apartment house or hotel not more than two stories in height from the lowest floor used for living and sleeping purposes, shall be provided with an air intake, not less than three square feet in total area, at or near its bottom, communicating with a street, yard, or court.

**Ducts** 16832. The intake may be divided into not more than three separate ducts running between the joists or otherwise. The ducts shall be as nearly horizontal as possible.

**Materials** 16833. Each intake or duct shall be constructed of approved fire resistive material or of metal, or shall be metal lined.

**Wire screen** 16834. Each intake or duct shall be provided with a wire screen, having not less than one-inch mesh, at each end.

**Space** 16835. Whenever the end of an intake is capped, hooded, or otherwise covered, there shall always be provided a clear space of not less than four inches above and between the end of the intake and the lower part of the cap, hood, or other covering.

## CHAPTER 20. GAS APPLIANCE VENTS

**Vents or flues** 16900. Every gas burning appliance shall be approved by a nationally recognized testing agency. Every gas burning appliance, except ranges, hot plates, and refrigerators approved by such agencies for unvented use, shall be connected to an effective flue or vent leading to the outside air not less in size than

the vent collar on the appliance. Vents or flues for all appliances except those with forced draft or sealed combustion chambers shall extend one (1) foot above the highest portion of any building within fifteen (15) feet horizontally of the vent termination. Every vent or flue extending above the roof line shall terminate in a cap with a vent capacity of not less than that of the flue or vent. Appliances with forced draft or sealed combustion chambers shall be vented in accordance with the manufacturer's instructions.

(Amended by Stats. 1951, Ch. 1127. See note following Section 15000.)

16901. The flue, vent, or chimney shall be either a terra cotta patent chimney; or shall be constructed of brick, fire clay, or a similar masonry product, not less than one-half of an inch thick, or of approved durable pipe having a wall thickness which will give an insulating value equal to a terra cotta patent chimney or a masonry product, and which will not disintegrate from the effects of gas fumes and other products of combustion. Chimney:  
Construction

16902. The internal area of the flue, vent, or chimney shall not be less than 12 square inches. If the flue, vent, or chimney is rectangular in shape, it shall not be less than two inches in any internal dimension. Internal  
area

16903. A gas range in the kitchen of every building shall be vented by one of the following means: Gas range:  
Venting

(a) A flue, vent, or chimney similar to that required by this chapter for gas water heaters, placed in the wall of the kitchen adjacent to the gas outlet and connected with the oven of the gas range.

(b) A ventilator opening in the wall or ceiling approximately over the gas outlet, having an area of not less than six by eight inches and connecting with a ventilating duct of not less than 36 square inches in cross-sectional area leading to the outside air.

(c) An approved system of forced draft ventilation.

16904. Any duct designed for use in connection with any approved system of forced draft ventilation or natural draft ventilating arrangement, installed in any building pursuant to this chapter, shall meet the requirements for ducts in apartment houses or hotels. Ducts

16905. Every gas vent, gas water heater, or other gas appliance shall be maintained in good repair. Repair

16906. Every gas burning appliance shall be connected to the gas supply piping in a building by approved metal piping. Gas burning  
appliances

(Added by Stats. 1947, Ch. 1493; amended by Stats. 1951, Ch. 1127. See note following Section 15000.)

## CHAPTER 21. BOILER ROOMS

16950. In every apartment house or hotel every boiler room or room containing a central heating plant using solid or liquid fuel shall be separated from the rest of the building by approved fire-resistive construction. In such building of three Boiler  
installation



stories or less in height the separation shall be of not less than approved one hour fire-resistive construction. In such building of more than three stories in height the separation shall be of not less than approved three hour fire-resistive construction.

(Amended by Stats. 1951, Ch. 1127. See note following Section 15000.)

16951. (Repealed by Stats. 1951, Ch. 1127.)

16952. (Repealed by Stats. 1951, Ch. 1127.)

**Floor** 16953. The floor of the room shall be of incombustible material.

(Amended by Stats. 1951, Ch. 1127. See note following Section 15000.)

16954. (Repealed by Stats. 1951, Ch. 1127.)

16955. (Repealed by Stats. 1951, Ch. 1127.)

16956. (Repealed by Stats. 1951, Ch. 1127.)

**Sill** 16957. The room shall have a masonry sill across each door opening not less than four inches high, over which the doors shall lap by at least three inches; or shall have a steel or iron sill across each door opening, on the top of which the bottom of the door shall close tight. Every swinging door shall open outward from the room.

(Amended by Stats. 1939, Ch. 477.)

16958. (Repealed by Stats. 1951, Ch. 1127.)

**Oil feed** 16959. Oil or other liquid fuel burned in the room shall not be fed by a gravity flow unless the apparatus is equipped with an approved automatic control.

(Amended by Stats. 1951, Ch. 1127. See note following Section 15000.)

## CHAPTER 22. GARAGES

### Article 1. General Provisions

**General prohibition** 17000. No automobile or other motor vehicle shall be placed, or stored, or repaired in any portion of an apartment house or hotel except in a garage which meets the requirements of this chapter.

(Amended by Stats. 1951, Ch. 1127. See note following Section 15000.)

**Definitions** 17000.1. For the purpose of this chapter:

(a) A private storage garage is a space in an apartment house or hotel in which only motor vehicles used by the tenants of the building are placed or stored and the floor area is limited to two thousand (2,000) square feet.

(b) A public storage garage is a space in an apartment house or hotel in which motor vehicles are placed or stored and in which the floor area exceeds two thousand (2,000) square feet.

(c) A repair garage is a space in an apartment house or hotel in which motor vehicles are repaired.

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

17000.2. A private storage garage in an apartment house or hotel shall be separated from the rest of the building by not less than approved one-hour fire-resistive construction. Private storage garage

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

17000.3. A public storage garage or repair garage in an apartment house or hotel shall be separated from the rest of the building by not less than approved three-hour fire-resistive construction. Public storage garage

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

17000.4. Garage floors shall be of incombustible material. Floors

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

17001. No portion of any apartment house or hotel shall be used as a machine shop, or a battery repair shop unless it meets the requirements of this chapter for a repair garage. Machine or battery shops

(Amended by Stats. 1951, Ch. 1127. See note following Section 15000.)

17002. No automobiles shall be stored in a space beneath a rear yard of an apartment house, except automobiles owned by the tenants or occupants of apartments within the building. Space beneath rear yard

#### Article 2. (Repealed by Stats. 1951, Ch. 1127)

17020. (Repealed by Stats. 1951, Ch. 1127.)

17021. (Repealed by Stats. 1951, Ch. 1127.)

17022. (Repealed by Stats. 1951, Ch. 1127.)

17023. (Repealed by Stats. 1951, Ch. 1127.)

#### Article 3. (Repealed by Stats. 1951, Ch. 1127)

17040. (Amended by Stats. 1939, Ch. 477; repealed by Stats. 1951, Ch. 1127.)

17041. (Repealed by Stats. 1951, Ch. 1127.)

17042. (Repealed by Stats. 1951, Ch. 1127.)

17043. (Repealed by Stats. 1951, Ch. 1127.)

17044. (Repealed by Stats. 1951, Ch. 1127.)

17045. (Repealed by Stats. 1951, Ch. 1127.)

#### Article 4. (Repealed by Stats. 1951, Ch. 1127)

17060. (Repealed by Stats. 1951, Ch. 1127.)

17061. (Repealed by Stats. 1951, Ch. 1127.)

17062. (Repealed by Stats. 1951, Ch. 1127.)

#### Article 5. Ventilation

17080. Every garage in a building shall be provided with ventilation meeting the requirements of this article. ventilation

(Amended by Stats. 1951, Ch. 1127. See note following Section 15000.)

Exhaust  
openings

17080.1. A private storage garage with an opening into an apartment house or hotel shall be equipped with fixed louvered or screened openings or exhaust ventilation with exhaust openings located within six inches (6") of the floor. The clear area of the louvered openings or of the opening into the exhaust ducts shall be not less than sixty (60) square inches per car stored in such private storage garage. Under no circumstances shall a garage have any opening directly into a room used for sleeping purposes.

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

Mechanical  
exhaust  
ventilation

17080.2. A public storage garage or a repair garage shall be provided with mechanical exhaust ventilation sufficient to produce one complete change of air every 15 minutes. Such exhaust ventilation shall be taken from a point at or near the floor level.

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

Violation:  
Penalty

17080.3. Any person in charge of a building or garage in which a mechanical exhaust system of ventilation is installed and used pursuant to this article, who fails, neglects, or refuses to operate and maintain the system in good order and repair so that the air in the garage for which it is provided is not completely changed within the specified interval is guilty of a misdemeanor.

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

17081. (Repealed by Stats. 1951, Ch. 1127.)

17082. (Repealed by Stats. 1951, Ch. 1127.)

17083. (Repealed by Stats. 1951, Ch. 1127.)

17084. (Repealed by Stats. 1951, Ch. 1127.)

Circulation  
of air

17085. Each ventilation outlet shall lead directly to a free and unobstructed circulation of air; but shall not lead into any inner court.

Exemption

17085.5. In a public storage garage or in a repair garage not exceeding an area of five thousand (5,000) square feet, the enforcement agency may authorize the omission of such ventilating equipment where in the agency's opinion, the building is supplied with unobstructed openings to the outer air which are sufficient to provide the necessary ventilation.

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

17086. (Repealed by Stats. 1951, Ch. 1127.)

17087. (Repealed by Stats. 1951, Ch. 1127.)

Exhaust fan  
outlet

17088. The fan discharge from a mechanical exhaust system shall be taken to a point above the roof of the building or to the outer air at a point not less than 10 feet from any window in the building in which the garage is located, or in any adjoining building.

(Amended by Stats. 1951, Ch. 1127. See note following Section 15000.)



## CHAPTER 23. DORMITORIES

17151. Every dormitory constructed, altered, or converted in any building shall meet the requirements of this chapter. General requirements

17152. No dormitory shall contain sleeping accommodations for more than 20 persons, nor shall any dormitory be so overcrowded as to be inconsistent with the requirements of this part for cubic air space in rooms used for sleeping purposes. Accommodations

17153. A dormitory shall have a clear ceiling height of not less than eight feet, measured from the finished floor to the finished ceiling. Ceiling height

17154. In a dormitory having a clear ceiling height of less than 16 feet there shall be but one tier of beds. Beds: Tiers

In a dormitory having a clear ceiling height of 16 feet or more, measured between the finished floor and finished ceiling, there may be a double tier of beds, one tier above the other, if there is not less than:

(a) Three feet of clear vertical space between beds, or tiers of beds.

(b) Three feet of horizontal space between beds.

(c) One foot of clear space between the floor of the dormitory and the under side of the first tier of beds, if there is more than one tier.

17155. The frames of beds in every dormitory shall be made of steel, iron, or some other hard, smooth, incombustible, and nonabsorbent material. Frames

17156. Windows opening onto a street, or a yard or court of the dimensions specified in this part and located on the same lot, shall be installed in every dormitory. The window area shall not be less than one-eighth of the superficial floor area in a dormitory containing not more than one tier of beds, nor less than one-fourth the superficial floor area in a dormitory containing a double tier of beds. Windows

17157. Every existing dormitory erected prior to August 17, 1923, shall meet the requirements of this part relating to the number of persons and cubic air space. If the housing department issues a certificate of occupancy for any dormitory erected prior to August 17, 1923, which is found by the department to be sanitary and fit for human occupancy, the certificate shall be final as to the existing structural features and arrangement of the dormitory at the time the certificate is issued, and the dormitory may be used for human habitation. Dormitory erected prior to August 17, 1923

## CHAPTER 24. BUILDING CONSTRUCTION GENERALLY

## Article 1. Details of Construction

17250. Every building shall be constructed in a safe and substantial manner. Generally

17251. Every dwelling shall be so constructed as to provide shelter to the occupants against the elements and exclude dampness in inclement weather. Shelter

Materials	17252. The materials used in the construction of a building shall be of substantial and approved stock.
	17253. (Repealed by Stats. 1947, Ch. 1493.)
Kitchen floor	17254. The floor of a kitchen or other room in an hotel in which food is stored or prepared shall be made impervious to rats by a layer of concrete not less than one and one-half inches thick, or by a layer of sheet tin, iron, or similar material.
Bakery	17255. A bakery or place of business in which fat is boiled shall not be constructed or maintained in any apartment house, unless the ceilings and side walls of that part of the bakery or place of business in which fat is boiled are made of approved fire resistant materials, with no openings connecting into, and so separated and arranged as to prevent odors from entering, the building.
Bearing portions	17256. The footings, foundations, walls, joists, studding, girders, columns, and all other bearing portions of a building shall be of such sizes and so constructed as to sustain safely in all their parts all the live and dead loads transmitted to them, in addition to their own dead loads.
Live load: Floor	17257. Each floor in a building shall be constructed to sustain safely a live load of not less than 40 pounds to each square foot.
Roof	17258. Each roof of a building shall be constructed to sustain safely a live load of not less than 20 pounds to each square foot.
Weights and stresses	17259. Schedules of weights of materials, safe allowable unit stresses, and formulas used for computing stresses shall be of standard recognized practice.
Wooden studs: Dimensions	17260. The wooden studs in every bearing wall and partition in an apartment house or hotel shall be not less than two by four inches; but in an apartment house or hotel that exceeds two stories in height, the wooden studs in every bearing wall and partition below the top two stories shall be not less than two by six inches. The studs shall be spaced not more than 16 inches center to center, except when, together with plates, they are designed as a system of columns and beams.
Fire stopping	17261. All wooden stud walls and partitions in an apartment house or hotel shall be effectively fire stopped at the floors and ceilings and at the spring line of a cove in a coved ceiling, so as to form an effective fire barrier between stories, and between a top story and the roof or attic space. They shall also be fire stopped between floors and ceilings in such manner that there will be no concealed air space with a dimension greater than seven feet.
Same	17262. The fire stopping in wooden stud walls and partitions in apartment houses and hotels shall consist of not less than two-inch material, and shall be as thick as the stud. Plates, braces, and other members which fulfill the function of fire stopping may be considered such.

17263. Each wooden stud wall and partition in an apartment house or hotel shall be thoroughly and effectively angle braced at each corner and at least once in each 25 feet of its length. However, diagonal sheathing or other membrane of comparable strength and rigidity may be used for angle bracing. If the membrane used is metal lath and plaster, the wall or partition shall be plastered with Portland cement plaster not less than three-quarters of an inch thick, back-plastered between the studs not less than one-half of an inch thick in an approved manner, so as to imbed thoroughly the metal lath in the plaster. The metal lath shall weigh not less than three and four-tenths of a pound per square yard.

17264. The space between wooden floor joists in an apartment house or hotel, over each bearing partition or wall and at the exterior walls, shall be blocked solid the full depth of the joists with blocks not less than two inches thick.

17265. Joists supporting plastered ceilings in an apartment house or hotel shall be so proportioned that their deflection under full live and dead loads, exclusive of the weight of plaster, shall not exceed one three-hundred-and-sixtieth of the span length of the joists.

17266. No floor joist or other bearing support in an apartment house or hotel shall be cut or notched for any purpose unless it is reinforced to take up the weakness caused by the cut or notch.

17267. Every span of wooden floor joists in an apartment house or hotel shall be cross-bridged with cross-bridging of not less than two inch by three inch material, at intervals not more than eight feet apart. A bearing partition, wall, girder, or other support under the joists that is blocked solid over its top between the joists with blocks not less than two inches thick the full depth of the joists shall take the place of a cross-bridging.

17268. All dimensions of lumber mentioned in this part shall be substantially the dimensions of the lumber when manufactured from the log, subject, however, to customary slight variations.

17269. The dimensions of lumber used in a building may be reduced by the processes of seasoning and surfacing to customary commercial sizes. Lumber reduced to customary commercial sizes by seasoning and surfacing processes will fulfill the requirements of this part.

Unit stresses for surfaced lumber shall be computed on the basis of the actual net section.



## Article 2. Fireproof Buildings

**Load or stress transmission** 17280. All the exterior and interior loads or stresses in a fireproof building shall be transmitted to the foundation by means of concrete, reinforced concrete, brick, or stone; or by means of a skeleton framework of steel, iron, or reinforced concrete, or a combination of such materials.

**Exterior walls** 17281. The exterior walls, inner court walls, and roof of a fireproof building shall be constructed of concrete, reinforced concrete, brick, stone, or terra cotta or concrete tile.

**Structural steel** 17282. All the structural steel or iron in a fireproof building shall be thoroughly fireproofed by concrete, cement plaster, tile, brick, or sandstone, not less than two inches thick.

**Interior partition** 17283. Every interior partition in a fireproof building shall be constructed of terra cotta or concrete tile or blocks, gypsum blocks, brick, concrete, reinforced concrete, metal studs lathed with metal lath plastered not less than three-quarters of an inch thick, or wire glass not less than one-fourth of an inch thick set in metal frame and sash.

Nothing in this section minimizes the requirements of Article 2 of Chapter 13 or of Section 16524 of this part.

(Amended by Stats. 1947, Ch. 1493.)

**Other parts of buildings** 17284. Every other portion of a fireproof building shall be constructed of approved fire resistant or incombustible material, except that:

(a) The glass in interior windows, transoms, or doors not opening into public hallways or passageways may be plain glass.

(b) The doors, frames, sash, and the usual trim of rooms, hallways, corridors, and passageways may be of wood.

(c) Wood floors may be placed over floors constructed of incombustible materials, except in the stairways, public hallways, public kitchens, or food storage rooms.

Nothing in this section minimizes the requirements of Article 2 of Chapter 13 or of Section 16524 of this part.

(Amended by Stats. 1947, Ch. 1493.)

## Article 3. Semifireproof Buildings

**Exterior walls** 17300. Except as otherwise permitted by this part in the case of walls of inner courts and vent shafts surrounded on four sides by the same building, all exterior walls in a semifireproof building shall be constructed of brick, stone, concrete, reinforced concrete, terra cotta or concrete tile, or similar approved fire resistant or incombustible materials.

(Amended by Stats. 1939, Ch. 477.)

**Roof** 17301. The roof of every semifireproof building shall be constructed of approved incombustible materials, or shall be well covered with composition fire resistant or fire retardent materials.

17302. The usual trim of rooms, hallways, finished floors, windows, doors, and frames in a semifireproof building may be of wood, and the glass in windows and doors may be plain glass, except as otherwise prescribed in this part. Trim, frame, glass

17303. In every semifireproof apartment house or hotel three or more stories in height, all the interior walls, partitions, ceilings, soffits of stairways, and stairwells shall meet the requirements for similar portions of fireproof buildings; or may be of wooden construction and lathed with metal lath plastered not less than three-fourths of an inch thick. In excess of two stories

All stairway enclosures shall meet the requirements of Article 2 of Chapter 13 of this part.

(Amended by Stats. 1947, Ch. 1493.)

17304. In every semifireproof apartment house or hotel not exceeding two stories in height, all the walls, partitions, and ceilings of public hallways, soffits of stairways, stairwells, and the ceilings of basements or cellars shall meet the requirements for similar portions of semifireproof buildings three or more stories in height. Two or less stories

(Amended by Stats. 1947, Ch. 1493.)

#### Article 4. Wooden Buildings

17320. Unless it is impracticable because of soil conditions, every wooden apartment house or hotel shall have a masonry foundation composed of hard incombustible materials. Foundation: Materials

17321. The footings of the foundation shall not be less than 12 inches wide at their bottoms, nor shall the footings of the foundation walls be less than 12 inches below the surface of the adjoining ground levels. Footings

(Amended by Stats. 1947, Ch. 1493.)

17322. The foundation walls shall not be less than six inches wide at their tops, and shall extend at least six inches above the adjoining ground levels. Walls

17323. The width of the foundation walls and footings shall be increased whenever necessary to support additional loads transmitted to them. Width

17324. In every wooden apartment house designed and built to accommodate three or more families above the first story, and in every wooden hotel designed and built to accommodate six or more guests above the first story, the walls, partitions, and ceilings of public hallways, the soffits of interior stairways, the stairwells, and the ceilings of basements and cellars shall meet the requirements for similar portions of semifireproof or fireproof buildings; or shall be lathed with metal lath plastered not less than three-quarters of an inch thick. Stairways, etc.

(Amended by Stats. 1947, Ch. 1493.)

Construction  
materials,  
etc.

17324.5. Except where other more restrictive provisions of this part apply or more resistive construction is used, all partitions, walls, and ceilings in wooden apartment houses and hotels three stories in height shall be lathed with metal lath plastered not less than three-fourths of an inch thick.

(Added by Stats. 1947, Ch. 1493.)

#### Article 5. Plasterboard

Use in lieu  
of metal lath

17340. Plasterboard of an approved type, composed of 75 per cent of noninflammable materials, not less than three-eighths of an inch thick, and provided with a mechanical key bond on its face, may be used in lieu of metal lath in any case where metal lath is specified in this part, except where it is apparent that metal lath only is permitted.

(Amended by Stats. 1939, Ch. 477.)

Application  
of plaster,  
etc.

17341. Not less than three-eighths of an inch of plaster shall be applied on the plasterboard in a thorough workmanlike manner. If the plasterboard is used on the weather side of exterior walls, or the weather sides of the walls or partitions of courts, shafts, or vent shafts, a reinforcement of metal lath or redipped or galvanized wire mesh of not less than number 18 gauge shall be applied on the plasterboard before it is plastered.

### CHAPTER 25. PLUMBING FIXTURES

#### Article 1. General Provisions

Running  
water

17450. Every plumbing fixture installed in any building shall be provided with running water.

Installation

17451. Any water-closet, bath, shower, sink, slop-sink, faucet, or other plumbing fixture required by this part in any building need not be installed until it becomes practicable and possible to obtain running water and proper means of sewage disposal.

Noninstalla-  
tion permit

17452. The enforcement agency shall in every case determine whether or not it is practicable and possible to provide running water and proper means of sewage disposal, and if it decides that it is not, shall issue a special permit in writing authorizing the noninstallation of required plumbing fixtures. The permit shall be made in duplicate, and a copy shall remain on file with the enforcement agency.

Privy

17453. When a permit authorizing the noninstallation of a water-closet is issued, a privy or toilet other than a water-closet for the deposit of fecal matter, urine, or sewage may be installed. It shall consist of a pit at least three feet deep, covered by a shelter sufficient to afford privacy and protection from the elements. Openings in the shelter shall be inclosed by metal mosquito screening, and the door to the shelter shall close automatically by means of a spring or other device.



17454. The privy pit shall not be allowed to become filled with excreta to a point within one foot from the surface of the ground. The excreta in the pit shall be covered with earth, ashes, lime, or other similar substance at regular intervals. Privy pit

The pit shall be maintained in a sanitary condition.

17455. When a connection with a sewer becomes possible, any privy installed pursuant to this article shall be completely removed; the place where it was located shall be properly disinfected; and it shall be replaced by one or more individual water-closets meeting the requirements of this part relating to water-closets in buildings other than those erected prior to August 17, 1923. Removal of privy

17456. Every plumbing fixture affecting the sanitary drainage system of any building shall be properly connected with a street sewer, ready to receive connections, in the street abutting the lot on which the building is located. Sewer connection

17457. If it is impracticable to connect a plumbing fixture affecting the sanitary drainage system with a street sewer, sewage or waste may be disposed of by connecting and draining the fixture into a cesspool constructed to the satisfaction of the enforcement agency, or may be disposed of by some other means satisfactory to the enforcement agency, until such time as it becomes practicable and possible to connect with a street sewer. Cesspool connection

17458. In every building each plumbing fixture connected to the sanitary drainage system shall be provided with a water sealed trap. Trap

17459. The trap shall be separately and effectively vented by means of a connection to a vent pipe extending to the outer air above the roof. The vent pipe shall be so installed and maintained that no drainage or sewage from any fixture may be deposited in or conveyed through it. Vent pipe: Connection

17460. Plumbing vent pipes installed in any building shall not terminate at a point adjacent to any window or other opening in the building intended or used for ventilation purposes. Termination

17461. Suitable cleanouts shall be placed at convenient points in the plumbing system of every building. Cleanouts

17462. Every gas and water service connection shall be made of steel or iron, and shall be equipped with cutoff valves placed in a readily accessible location outside the building. Gas and water connection

17463. Every other plumbing connection in any building shall be made of standard lead, iron, cast iron, steel, or brass. A house sewer connection, however, may be made of cast iron, vitrified clay, machine-made glazed cement pipe, or standard or extra heavy galvanized iron or steel. Other connections

**Inclosure** 17464. No water-closet, slop-sink, or lavatory shall be inclosed with woodwork. The space under and around it shall be left open.

**Repair** 17465. The floor and wall surface beneath and around every water-closet, slop-sink, or lavatory shall be maintained in good repair, and if constructed of wood, shall be well painted with a light colored paint of sufficient body to make it non-absorbent.

**Replacement** 17466. Whenever any plumbing fixture becomes insanitary, the enforcement agency may require its removal and replacement by a fixture conforming to the provisions of this part.

**Lavatories, etc.** 17467. Lavatories or wash basins provided with hot and cold water shall be installed in every water-closet compartment in each hotel or apartment house. If there is more than one water-closet, lavatories shall be provided on a basis of not less than one lavatory for each three, or fractional part of three, water-closets in the compartment.

(Added by Stats. 1947, Ch. 1493.)

## Article 2. Water-closets in Buildings Erected Prior to August 17, 1923

**Scope of article** 17480. The provisions of this article are applicable only to buildings erected prior to August 17, 1923.

**Apartment house** 17481. At least one water-closet shall be installed in a separate compartment on a public hallway in an apartment house for every three, or fractional part of three, apartments on the same floor as the hallway which are not provided with private water-closets.

If two or more water-closets on a public hallway are required by this section, one of the water-closets shall be distinctly marked: "For Men"; and one shall be distinctly marked: "For Women."

**Hotel** 17482. If there are rooms for more than one sex on any floor of any hotel, at least one water-closet for each sex shall be installed in a separate compartment on a public hallway on the floor. One of the water-closets shall be distinctly marked: "For Men"; and one shall be distinctly marked: "For Women."

(Amended by Stats. 1947, Ch. 1493.)

**Same** 17483. If there are more than 12 guest rooms on a floor of an hotel, at least one water-closet shall be installed in a separate compartment on a public hallway on the floor for every 12, or fractional part of 12, guest rooms on the floor which are not provided with private water-closets.

**Exemption** 17484. The housing department may exempt any apartment house or hotel from having the number of water-closets required by this article for either of the following reasons:

(a) The exemption will not result in detriment to the health of the occupants or to the sanitation of the building.

(b) It is impracticable to install the water-closets because of structural features in the building.

The housing department has no authority under this section to exempt any portion of an apartment house or hotel added on after August 17, 1923, from having the number of water-closets required by this article.

17485. Every water-closet installed after August 17, 1923, in a building erected prior to that date shall meet the requirements of this chapter relative to a water-closet installed in a building erected after August 17, 1923. The compartment in which it is installed shall be provided with ventilation to the outer air in a manner satisfactory to the enforcement agency. Subsequent  
Installation

### Article 3. Water-closets in Buildings Erected After August 17, 1923

17501. One water-closet shall be installed in a separate compartment, or in a compartment with a bath tub, shower, or lavatory, within each apartment in an apartment house for the exclusive use of the occupants of the apartment. Apartment  
house

17502. If any apartment in an apartment house contains three or more rooms, excluding any bath room, it shall be so arranged that a person may have access to a water-closet compartment without having to pass through any bedroom. Access

17503. If there is more than one sex on a floor of an hotel, at least one water-closet for each shall be installed in a separate compartment on a public hallway on the floor. One of the water-closets shall be distinctly marked: "For Men"; and one shall be distinctly marked: "For Women." Hotel

17504. If there are more than 10 guest rooms on a floor of an hotel, at least one water-closet shall be installed in a separate compartment on a public hallway on the floor for every 10, or fractional part in excess of 10, guest rooms on the floor which are not provided with private water-closets. Same

17505. Each water-closet on a public hallway in an hotel shall be accessible through the hallway from, and shall not be more than 100 feet distant from the entrance door of, each guest room it serves. Access

17506. One water-closet for each 20, or major fraction of 20, employees shall be installed in a convenient and suitable place in each hotel. Employees

17507. One water-closet shall be provided for each family living in a dwelling. Dwelling

17508. Every water-closet compartment shall be equipped with a full door, properly hung and provided with a lock or locking bolt. Door



Opening	17509. No door or other opening in a water-closet or urinal compartment shall open from or into any room in which food is stored or prepared.
Walls	17510. The walls inclosing a water-closet compartment in an apartment house or hotel shall be well plastered or constructed of a nonabsorbent material, but the ordinary wood trim for openings may be used in the compartment.
Floor	17511. The floor of every water-closet compartment in an apartment house or hotel shall be made waterproof with asphalt, tile, marble, terrazzo cement, or other similar non-absorbent material, extending not less than two inches upward on the walls of the compartment.
Bowl and seat	17512. Every water-closet shall have an earthenware bowl. It shall also have an earthenware seat integrated with the bowl; or may have attached directly to the bowl, a wooden seat made nonabsorbent with varnish or enamel, or a seat made of some nonabsorbent material.

#### Article 4. Bathtubs and Showers in Buildings Erected Prior to August 17, 1923

Scope	17530. This article applies only to buildings erected prior to August 17, 1923.
Apartment house	17531. At least one bath tub or shower shall be installed in a separate compartment on each floor of an apartment house for every five, or fractional part of five, apartments on the floor which are not provided with private baths or showers.
Hotel	17532. At least one bathtub or shower shall be installed in a separate compartment on a public hallway in an hotel for every 20, or fractional part of 20, guest rooms on the same floor as the hallway which are not provided with private baths. Each bathtub or shower shall be accessible from each guest room it serves through the public hallway.
Ventilation	17533. Any room or compartment in which a bathtub or shower is installed in compliance with this article shall be provided with ventilation to the outer air in a manner satisfactory to the enforcement agency.
Exemption	17534. The enforcement agency may exempt any apartment house or hotel from full compliance with this article for either of the following reasons: (a) The exemption will not result in detriment to the health of the occupants or to the sanitation of the building or its premises. (b) It is impracticable to comply fully with this article because of structural features in the building.

The enforcement agency has no authority under this section to exempt from the provisions of this article any portion of an apartment house or hotel added on after August 17, 1923.

## Article 5. Bathtubs and Showers in Buildings Erected After August 17, 1923

17551. One bathtub or shower with hot and cold running water shall be installed in a separate compartment on each floor of an apartment house for every three, or fractional part of three, apartments on the floor which are not provided with private baths or showers. The bathtub or showers shall be accessible from each apartment it serves through the public hallway.

Apartment  
house

(Amended by Stats. 1947, Ch. 1493.)

17552. At least one bathtub or shower provided with hot and cold water shall be installed in a separate compartment on a public hallway in an hotel for every 10, or fractional part of 10, guest rooms on the same floor as the hallway which are not provided with private baths. Each bathtub or shower shall be accessible from each guest room it serves through the public hallway.

Hotel

17553. The doors, walls, and floor of every bath or shower room or compartment in an apartment house or hotel shall meet the requirements of this part pertaining to the doors, walls, and floors of water-closet compartments in the building.

Doors, etc.

## Article 6. Sinks and faucets

17580. At least one kitchen sink shall be installed within each apartment in an apartment house.

Kitchen sink

17581. A kitchen sink shall be installed in each kitchen in a dwelling.

Same

17582. No wooden wash-tray or wooden kitchen sink shall be installed in any building.

Prohibition

17583. The space underneath any sink or wash-tray in any building shall not be so inclosed as to prevent its ventilation or inspection.

Space

17584. A door, panel, or other closure may be provided in the front or around any side of the space underneath the sink or wash-tray; but no front closure shall be nailed or otherwise permanently fixed in position, and every front closure shall be so installed that at least 20 per cent of the front area of the space is left available for ventilation.

Closure

17585. Faucets with running water, sufficient in number to wash all yards, courts, and passageways, shall be installed in every apartment house or hotel.

Faucets

## CHAPTER 26. PROHIBITED BUILDING OR ROOM USES

17700. It is unlawful for any person to cook or prepare food, or to permit another person to cook or prepare food, in any bath, shower, slop-sink, toilet room, water-closet compartment, or in any other portion of a building in which, in the judgment of the enforcement agency, the cooking or preparation of food is detrimental to the health of the occupants or the proper sanitation of the building.

Cooking

17701. Food shall not be cooked or prepared in an hotel except in a kitchen or other room designed for that purpose.

Same

Sleeping

17702. It is unlawful for any person to use, or to permit another person to use, any of the following portions of a building for sleeping purposes:

(a) Any kitchen, cellar, hallway, water-closet, bath, shower compartment, or slop-sink room.

(b) Any other room or place which does not comply with the provisions of this part, or in which, in the judgment of the enforcement agency, sleeping is dangerous or prejudicial to life or health by reason of an overcrowded condition; a want of light, windows, ventilation, or drainage; dampness; or offensive, obnoxious, or poisonous odors in the room or place.

(Amended by Stats. 1951, Ch. 505.)

Partitions

17702.5. Every partition in a building separating a kitchen from a room used for sleeping purposes shall extend to the ceiling or, if there is no ceiling, to the roof. Any opening in the partition shall be provided with a standard door; provided, however, that a wall or partition opening not exceeding three feet in width and seven feet in height shall be construed as sufficient separation between any portion of a sleeping room and any other portion thereof that is used for kitchen purposes.

(Added by Stats. 1947, Ch. 1493; amended by Stats. 1951, Ch. 505.)

Same

17703. No amusement, entertainment, reception, public dining, or similar room in any building, shall be used for sleeping purposes, unless it meets all the requirements for sleeping rooms.

Paint shop,  
etc.

17704. No portion of any apartment house or hotel shall be used as a paint shop, as a gasoline or oil service station or store or anything similar, or as a vulcanizing shop.

Any portion of any apartment house or hotel that is used as a place where liquid paints or their volatile liquid mixing components or other volatile flammable liquids are mixed, handled, stored, processed or dispensed, having containers of such materials either opened or unopened, with a unit capacity exceeding five gallons and an aggregate capacity of such containers exceeding 400 gallons (except that not in excess of five unopened drums of liquid paints with an aggregate capacity not exceeding 275 gallons shall be exempt from the provisions of this section) shall have all the walls and floors of the area and all doors in interior separating partitions constructed as specified in Chapter 21 of this part. Any openings other than door openings in interior separating partitions shall be protected in the same manner as required for doors in Chapter 21. Interior separating partitions shall be constructed as required for walls and the ceiling of the area shall be constructed of masonry not less than three inches thick.

(Amended by Stats. 1st Ex. Sess. 1946, Ch. 55, and by Stats. 1947, Ch. 1493.)

Same

17704.1. Any portion of any apartment house or hotel:  
(a) Where liquid paints or their volatile liquid mixing components, or other volatile flammable liquids are mixed, handled, stored, processed, or dispensed, having open containers of such



materials, with an aggregate capacity not exceeding 400 gallons; or (b) Where there are unopened sealed containers of the materials referred to in subdivision (a) of this section, which have a capacity of five gallons or less (except that there may be not to exceed five unopened drums of liquid paints with an aggregate capacity of 275 gallons); shall have all exterior walls and any interior separating partitions constructed of not less fire resistive material than metal lath and three-fourths of an inch of plaster on both sides of studs. The ceiling of such area shall be not less fire resistive than a double ceiling of metal lath only, each application of metal lath to be covered with not less than three-fourths of an inch of plaster and the lower ceiling to be furred down so that there will be a space of not less than one and one-half inches between the ceilings.

The floor of the area shall be of masonry not less than two inches thick and all doors and window openings in interior separating partitions shall be protected in the manner required for door and window openings by Chapter 21 of this part. Any occupancy referred to in subdivision (b) of this section that was in existence at the time the section became effective shall be exempt from the provisions thereof, provided that in the event of alteration or change of use or occupancy such alteration or change shall comply with all requirements of this part.

No stairway, elevator shaft, or other vertical opening shall directly connect any occupancy referred to in this section or Section 17704 with any other portion of an apartment house or hotel.

No skylight in any occupancy referred to in this section or Section 17704 shall open on to a court or vent shaft.

Any portion of any compartment or room containing an occupancy referred to in Section 17704 or subdivision (a) of this section, in which flammable liquids having a flashpoint below 200 degrees Fahrenheit, as determined by the closed cup tester, are processed, mixed, dispensed, or handled in other than sealed containers, or in which explosive or flammable vapors are generated, shall be provided with mechanical or adequate natural ventilation which will effectively remove explosive or flammable concentrations from all portions of the room or compartment.

Electrical wiring, fixtures and equipment installed or used in any occupancy referred to in Section 17704 or subdivision (a) of this section shall be in accordance with the requirements of the "Electrical Safety Orders" of the State of California for Class 1-A Hazardous Locations.

The provisions of this section or Section 17704 shall not apply to any room or area in any portion of any apartment house or hotel building devoted to the retail storage, sale or use of any of the volatile flammable liquids referred to in this section for pharmaceutical, medicinal, tonsorial and similar purposes; provided that such volatile flammable liquids are used or dispensed from containers not exceeding one gallon in capacity.

The provisions of this section shall not apply to the storage or use of an amount of liquid paints or their volatile liquid mixing components as would be necessary for maintenance purposes of the building in which they are kept; provided, that if the enforcement agency determines that such storage or use of such materials creates a fire hazard or other condition detrimental to health or safety the enforcement agency may require that such materials be stored in cabinets constructed of incombustible material satisfactory to the agency or may require compliance with the applicable provisions of this section or Section 17704.

(Added by Stats. 1st Ex. Sess. 1946, Ch. 55.)

Air space

17705. Any room which was in existence on August 17, 1923, and which is, or is designed or intended to be, occupied for sleeping purposes by but one person shall contain not less than 500 cubic feet of air space.

It is unlawful to use or permit another person to use for sleeping purposes any room constructed after August 17, 1923, that does not contain at least 630 cubic feet of air space.

Same

17706. If any room is occupied by more than two persons, the minimum required cubic air space of the room shall be increased by not less than 500 cubic feet for each person in excess of two that the room is designed, built, intended to, or does accommodate for sleeping purposes.

Subdivision,  
etc.

17707. No part of any room in any apartment house or hotel shall be inclosed or subdivided, wholly or in part, by a curtain, portiere, fixed or movable partition, or other contrivance or device for any purpose contrary to any of the provisions of this part.

## CHAPTER 27. MAINTENANCE, SANITATION, AND REPAIR GENERALLY

Repair

17800. Every building shall be maintained in good repair.

Roof

17801. The roof of every building shall be kept waterproof, and all storm or casual water shall be properly drained and conveyed from the roof to a street sewer, storm drain, or street gutter.

Drainage

17802. All portions of a lot about a building, including the yards, areaways, vent shafts, courts, and passageways, shall be properly graded and drained.

Surfacing,  
etc.

17803. If the enforcement agency considers it necessary for the protection of the health of the occupants, or for the proper sanitation, of an apartment house or hotel, it may require that the yards, areaways, vent shafts, courts, passageways, or other parts of the lot surrounding the building be graveled, or properly paved and surfaced with concrete, asphalt, or similar material.

Painting

17804. The walls and ceiling of every sleeping room in an apartment house or hotel, unless there is sufficient natural light to permit a person to read in any part of the room during the day, shall be calcimined, painted, or papered with

a light-colored material. The calcimine, paint, or paper shall be applied as often as may be necessary to maintain the walls and ceiling in a light color and clean and free from vermin.

17805. Unless built of light-colored materials, the walls of courts and shafts shall be painted in a light color or shall be whitewashed. The paint or whitewash shall be applied as often as may be necessary to maintain the walls in a light color. Same

17806. Not more than two thicknesses of wallpaper shall be placed upon any wall, partition, or ceiling of any room in any apartment house or hotel. If any wall, partition, or ceiling with two thicknesses of wallpaper in any such room is to be repapered, the old wallpaper shall be first removed. Wallpaper

17807. Painting or calcimining over wallpaper is permissible. Same

17808. Whenever necessary for the health of the occupants, or for the proper sanitation or cleanliness, of any building, metal mosquito screening of at least 16 mesh, set in tightfitting removable sash, shall be provided for each exterior door, window, or other opening in the exterior walls of the building. Screening

17809. Such number of tight metal receptacles with close-fitting metal covers for garbage, refuse, ashes, and rubbish as may be considered necessary by the enforcement agency, or a garbage chute or shaft approved by the housing department, shall be provided for every building. Each receptacle, chute, or shaft shall be kept in a clean condition by the following persons: Garbage receptacle

(a) In the case of a receptacle in an apartment house or dwelling, by the occupants or tenants of the building.

(b) In the case of a receptacle in an hotel, by the owner or person in charge of the hotel.

(c) In the case of a chute or shaft in any building, by the person in charge or in control of the building.

17810. Every closet or compartment in a building used for storing a garbage receptacle shall be lined on all its sides and on the inside of all its doors with galvanized iron, with all joints made tight. Receptacle compartment

17811. Each room, hallway, passageway, stairway, wall, partition, ceiling, floor, skylight, glass window, door, carpet, rug, matting, window curtain, water-closet compartment or room, toilet room, bathroom, slop-sink room, wash room, plumbing fixture, drain, roof, closet, cellar, basement, yard, court, lot, and the premises of every building shall be kept in every part clean, sanitary, and free from all accumulation of debris, filth, rubbish, garbage, vermin, and other offensive matter. Sanitation

(Amended by Stats. 1947, Ch. 1493.)

17812. No person shall do, or permit or cause another person to do, any of the following: Deposit of rubbish, etc.

(a) Deposit any swill, garbage, bottles, ashes, cans, or other improper substances in, or in any way obstruct, any watercloset,



sink, slop-hopper, bathtub, shower, catch-basin, or plumbing fixture connection or drain.

(b) Put any filth, urine, or other foul matter in any place other than the place provided for it.

(c) Keep any filth, urine, or other foul matter in any room, or elsewhere in or about the premises, of any building for such length of time as will result in the creation of a nuisance.

**Bedding**

17813. In every apartment house or hotel every part of every bed, including the mattress, sheets, blankets, and bedding, shall be kept in a clean, dry, and sanitary condition, free from filth, urine, or other foul matter, and from the infection of lice, bedbugs, or other insects.

The bed linen of a bed in an hotel shall be changed as often as a new guest occupies the bed.

**Towels**

17814. No roller or public towel shall be kept or maintained in an hotel for common use.

**Dangerous articles**

17815. Neither any article that is dangerous or detrimental to life or to the health of the occupants; nor any feed, hay, straw, excelsior, cotton, paper stock, rags, junk, or any other material that may create a fire hazard, shall be kept, stored, or handled in any part of an apartment house or hotel, or of the lot on which such building is situated, except upon a written permit obtained from the officer or agency authorized by law to issue the permit. Every permit shall be made in duplicate, and a copy shall remain on file in the office of the officer or agency issuing it. Every filed copy constitutes a public record.

**Animals**

17816. Neither a horse, cow, calf, swine, sheep, goat, rabbit, mule, or other animal; nor a chicken, pigeon, goose, duck, or other poultry shall be kept in any part of any apartment house or hotel. Neither any such animal or poultry, nor any stable shall be kept or maintained within 20 feet of any window or door of an apartment house or hotel.

**Same**

17817. Neither a horse, cow, calf, swine, sheep, goat, rabbit, or mule; nor a chicken, pigeon, goose, duck, or other poultry shall be kept in any part of any dwelling. Neither any such animal or poultry, nor any stable shall be kept or maintained within 20 feet of any window or door of a dwelling.

**Caretaker**

17818. A janitor, housekeeper, or other responsible person shall reside upon the premises and shall have charge of every apartment house in which there are 16 or more apartments, and of every hotel in which there are 12 or more guest rooms, in the event that the owner of any such apartment house or hotel does not reside upon said premises. If the owner does not reside upon the premises of any apartment house in which there are more than four but less than 16 apartments, a notice stating his name and address, or the name and address of his agent in charge of the apartment house, shall be posted in a conspicuous place on the premises.

(Amended by Stats. 1943, Ch. 153.)

Artificial  
light

Same

## Nuisances

## Institute action

nuisance, after notice and hearing, before the governing board of such agency in the manner in this chapter hereinafter set forth.

(Added by Stats. 1941, Ch. 807.)

Costs

17822. For the purpose of providing for the advancement of costs in the enforcement of the provisions of this chapter, any city or county may create a revolving fund or funds from which may be paid the costs of enforcing the provisions of this chapter and into which may be paid the receipts from the collection of costs or fines imposed in the enforcement thereof.

(Added by Stats. 1941, Ch. 807.)

Service of  
notice

17823. The notices required in Section 17821 shall be given in the following manner: The enforcement agency shall post conspicuously at least one copy of the notice on the building alleged to be unfit and shall send another copy by registered mail, postage prepaid, return receipt requested, to the person owning the land on which the building is located as such person's name and address appear on the last equalized assessment roll or as known to the clerk of the governing board of such enforcement agency and to any mortgagee or beneficiary under any deed of trust, of record, at the last known address of such mortgagee or beneficiary, and if such address is unknown to the enforcement agency, then said fact shall be stated in said copy so mailed and it shall be addressed to him at the county seat of the county wherein said property is situated. The officer or employee of the enforcement agency upon giving notice as aforesaid shall file an affidavit thereof with the clerk of the governing board of such enforcement agency certifying to the time and the manner in which such notice was given. He shall also file therewith any receipt card which may have been returned to him in acknowledgment of the receipt of such notice by registered mail. The failure of any owner or other person to receive such notice shall not affect in any manner the validity of any proceedings taken hereunder.

File with  
clerk

(Added by Stats. 1941, Ch. 807.)

Second  
notice

17824. If the enforcement agency determines to proceed with the abatement of such nuisance through proceedings instituted before its governing board, it shall give a second notice in the same manner as set forth in Section 17823, directing the owner of such building to appear before the governing board of the enforcement agency at a stated time and place and show cause why such building should not be condemned as a nuisance and said nuisance be abated as herein provided, and a copy of said notice shall be mailed to each mortgagee or beneficiary under any deed of trust, of record, in the manner prescribed in Section 17823. Said notice shall be headed "Notice to Abate Nuisance" in letters of not less than three-fourths of an inch in height and shall be substantially in the following form:



## NOTICE TO ABATE NUISANCE

The owner of the building situated at-----is hereby **Form** notified to appear before----- (insert name of governing board) of the----- (insert name of enforcement agency) at its meeting to be held-----, 19\_\_\_\_, at----- (place of meeting) at the hour of-----o'clock \_\_\_\_m., or as soon thereafter as he may be heard, and show cause, if any he has, why said building should not be condemned as a public nuisance and said nuisance be abated by reconstructing or properly repairing said building or by razing or removing same. Dated-----

-----  
 (Name of enforcement agency)  
 By -----  
 (Name of officer)

The officer or employee of the enforcement agency giving such notice shall file an affidavit of posting and mailing in the manner required by Section 17823 hereof, but the failure of any owner or other person to receive such notice shall not affect in any manner the validity of any proceedings taken hereunder. (Added by Stats. 1941, Ch. 807.)

17825. At the time fixed in said notice, the governing board **Hearing** of the enforcement agency shall proceed to hear the testimony of the officers or employees of the enforcement agency and the testimony of the owner or his representatives, if present at said hearing, and other competent persons who may be present and desire to testify, respecting the condition of said building, the estimated cost of its reconstruction, repair or removal, and any other matter which said governing body may deem pertinent thereto. Upon the conclusion of said hearing said governing board may, by resolution, declare its findings and in the event that it so concludes it may declare said building to be a nuisance and direct the owner to abate the same within 30 days after the date of posting on said premises a notice of the passage of said resolution by having said building properly reconstructed or repaired, or by having the same razed or removed and notifying said owner that if said nuisance is not abated said building will be razed or removed by the enforcement agency and the expense thereof made a lien on the lot or parcel of land upon which said building is located.

At any time within 60 days after the passage of any resolution directing the abatement of a nuisance, the enforcement agency shall post a copy thereof conspicuously on the building so declared to be a nuisance and mail another copy by registered mail, postage prepaid, return receipt requested, to the person owning the land on which the building is located as such person's name and address appear on the last equalized assessment roll or as known to the clerk of the governing board of such enforcement agency, and a copy of said notice shall be mailed to each mortgagee or beneficiary under any deed of **Posting and mailing**

trust, of record, at the last known address of such mortgagee or beneficiary, and if such address is unknown to the enforcement agency, then said fact shall be stated in said copy so mailed and it shall be addressed to him at the county seat of the county wherein said property is situated. The officer or employee of the enforcement agency, upon giving notice as aforesaid, shall file an affidavit thereof in the manner provided for in Section 17823 hereof. The governing board of the enforcement agency may grant any extension of time to abate said nuisance that it may deem justifiable upon good cause therefor being shown.

(Added by Stats. 1941, Ch. 807.)

Court review

17826. Any owner or other interested person having any objections, or feeling aggrieved at any proceedings taken by the governing board of the enforcement agency in ordering abatement of any nuisance, must bring an action in a court of competent jurisdiction within 30 days after the date of posting on said premises a notice of the passage of the resolution declaring the nuisance to exist to contest the validity of any proceedings leading up to and including the adoption of the resolution, otherwise all objections will be deemed to have been waived.

(Added by Stats. 1941, Ch. 807.)

Jurisdiction  
to abate

17827. Thirty days after the posting of the copies of the resolution declaring any building a nuisance, the enforcement agency shall be deemed to have acquired jurisdiction to abate such nuisance by razing or removing the building, unless the nuisance is abated by the owner or other person interested within the 30-day period or any extension thereof granted by the governing board as provided for in this chapter. In the event that the nuisance is not abated within the time prescribed the enforcement agency may thereupon raze and remove the building so declared to constitute a nuisance or have the same done under its direction and supervision.

(Added by Stats. 1941, Ch. 807.)

Sale of  
materials

17828. The building materials contained in such building so razed or removed shall be sold by the governing board at public sale to the highest responsible bidder after not less than five days' notice of intended sale published at least once in a newspaper of general circulation published in the city or county wherein such building is located, either before or after said building has been razed or removed, and any amount received from the sale of such building materials shall be deducted from the expense of razing or removing said building. The enforcement agency shall keep an itemized account of the expense involved in the razing or removing of any such building and shall deduct therefrom the amount received from the sale of the building materials. The enforcement agency shall cause to be posted conspicuously on the property from which the building was razed or removed a statement verified by the officer of the enforcement agency in charge of the doing of the work showing the gross and net expense

Notice of  
expense

of the razing or removing of such building together with a notice of the time and place when and where said statement shall be submitted to the governing board of the enforcement agency for approval and confirmation and at which time said governing board shall consider any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such work and any other interested persons. A copy of said statement and notice shall be mailed in the manner prescribed in Section 17823 and an affidavit of such posting and mailing shall be filed in the manner prescribed in said section. The time for submitting said statement to the governing board of the enforcement agency for confirmation shall be not less than five days from the date of the posting and mailing of said statement and notice.

(Added by Stats. 1941, Ch. 807.)

17829. At the time fixed for the hearing of the statement of expense the governing board of the enforcement agency shall consider the statement, together with any objections or protests which may be raised by any of the property owners liable to be assessed for the doing of the work and any other interested persons and thereupon said governing board may make such revision, correction or modification in the statement as it may deem just, after which, by motion or resolution, said report as submitted, or in the event any revisions, corrections or modifications have been ordered made by said governing board then said statement as revised, corrected or modified, shall be confirmed. The board may adjourn said hearings from time to time and its decisions on said statement and on all protests and objections which may be made shall be final and conclusive.

In the event that the cost of razing or removing said nuisance exceeds the proceeds received from the sale of any materials, then the amount of the net expense of abating such nuisance, if not paid within five days after the decision of said governing board on said statement, shall constitute a lien on the real property upon which the same was abated or removed, which lien shall continue until the amount thereof and interest thereon at the rate of 6 per cent per annum, computed from the date of confirmation of the statement until paid, has been paid, or until it is discharged of record. Such lien shall, for all purposes, be upon a parity with the lien of State, county and municipal taxes. In the event of nonpayment the governing board shall, at any time within 60 days after the decision of the governing board on the statement, cause to be filed in the office of the county recorder of the county in which such property is located a certificate substantially in the following form, to wit:

#### NOTICE OF LIEN

Pursuant to the authority vested in the undersigned by **Form** Chapter 1, Part 2, Division 13, of the Health and Safety



Code of the State of California, the undersigned did on the ----- day of -----, 19---, cause a nuisance to be abated on the real property hereinafter described and the undersigned did on the ----- day of -----, 19---, by action duly recorded in its official minutes as of said date, assess the cost of such abatement, less the amount received from the sale of any building materials, upon the real property hereinafter described, and the same has not been paid nor any part thereof and the said ----- (enforcement agency) does hereby claim a lien on said real property for the net expense of the doing of said work in the sum of \$-----, and the same shall be a lien upon said real property until the said sum, with interest at the rate of 6 per cent per annum, from the said ----- day of -----, 19--- (insert date of confirmation of statement), has been paid in full and discharged of record.

The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain piece or parcel of land lying and being in the City of -----, County of -----, State of -----, and particularly described as follows, to wit:

Dated-----

-----  
(Enforcement agency)  
By -----  
(Name of officer)

From and after the date of the recording of said notice of lien all persons shall be deemed to have had notice of the contents thereof. The statute of limitations shall not run against the right of the enforcement agency to enforce the payment of said lien.

In the event that the amount received from the sale of materials exceeds the expense of razing or removing such building, then such excess shall be deposited with the treasurer of the enforcement agency to the credit of the owner of said property or to such other person legally entitled thereto and such excess shall be payable to said owner or other person on demand and upon producing evidence of ownership satisfactory to said treasurer.

(Added by Stats. 1941, Ch. 807.)

Reports  
to fire  
department

17830. Every owner, operator, lessee, or other person in charge of any apartment house or hotel heretofore or hereafter constructed, or any occupant thereof, who becomes aware of any fire or smouldering combustion of an unwarranted or insidious nature which is not confined within equipment designed for fire or which is a hazard to the apartment house or hotel, shall report the matter without delay to the local fire department.

(Added by Stats. 1947, Ch. 1493.)

## CHAPTER 28. VIOLATIONS

Violation

17900. It is unlawful for any person to violate, or cause or permit another person to violate, any provision of this part.

17901. Any person who violates any of the provisions of this part is guilty of a misdemeanor. In addition to the punishment provided by law, he is liable for all such costs, expense, and disbursements paid or incurred by the enforcement agency, or any of its officers, agents, or employees, in the prosecution of the violation as shall be fixed by the court in which the violation is prosecuted. Penalties

17902. A certified copy of every judgment imposing a fine upon an owner of any building for a violation of this part pertaining to the building shall, upon the entry of judgment, be filed forthwith by the enforcement agency in the office of the county recorder of the county in which the building is situated. The county recorder shall index it immediately upon receiving it in the index of mechanics' liens. The fine is a lien upon the building from the time the certified copy of the judgment is filed in the office of the recorder, subject only to taxes, assessments, and water rates, and to mortgage and mechanics' liens existing on the building prior to the filing. Copy of judgment  
Lien

## PART 2. AUTO COURTS AND RESORTS, AUTO AND TRAILER PARKS

(Part 2 repealed and added by Stats. 1941, Ch. 1097; heading amended by Stats. 1947, Ch. 1434)

### CHAPTER 1. DEFINITIONS AND SCOPE

Chapter 1 repealed and added by Stats. 1941, Ch. 1097)

18100. "Auto court and resort" as used in this part means any area, place, or tract of land where two or more single family dwellings, or a building containing two or more apartments designed, used, or intended wholly or in part for the accommodation of transients, are located and offered for hire, rent or lease by any person, firm or corporation. Auto court and resort also includes any motel. "Auto court and resort"

(Repealed and added by Stats. 1941, Ch. 1097; amended by Stats. 1947, Ch. 1434, and by Stats. 1949, Ch. 969.)

NOTE: Stats. 1949, Ch. 969 also contained the following provision:

SEC. 67. No provision of this act shall be construed to require a structural addition, structural alteration or a structural change in or on an existing building where such is not required by law prior to the effective date of this act.

18100.5. "Motel" as used in this part, means a building of not more than one story containing six or more guest rooms or apartments, or combinations thereof, each of which has a separate, individual entrance leading directly from the outside of the building, and is designed, used or intended wholly or in part for the accommodation of automobile transients. "Motel"

(Added by Stats. 1947, Ch. 1434.)

18101. "Trailer coach," as used in this part, means any camp car, trailer or other vehicle, with or without motive power, designed and constructed to travel on the public thoroughfares at the maximum allowable speed limit and in "Trailer coach"

accordance with the provisions of the Vehicle Code, and designed or used for human habitation.

(Repealed and added by Stats. 1941, Ch. 1097.)

"Auto and trailer park"

18102. "Auto and trailer park," as used in this part means any area or tract of land where space is rented or held out for rent to two or more owners or users of trailer coaches or tent campers furnishing their own camping equipment, or where free camping is permitted owners or users of trailer coaches or tent camping equipment for the purpose of securing their trade.

(Repealed and added by Stats. 1941, Ch. 1097; amended by Stats. 1947, Ch. 1434, and by Stats. 1949, Ch. 969.)

"Auto and trailer camp"

18102.5. Whenever the phrase "auto and trailer camp" is used in this part, it shall mean "auto and trailer park."

(Added by Stats. 1947, Ch. 1434.)

"Camp site"

18103. "Camp site," as used in this part, means any portion of an auto and trailer camp designed for the use or occupancy of one trailer coach or camping party.

(Repealed and added by Stats. 1941, Ch. 1097.)

"Apartment"

18104. "Apartment," as used in this part, means a room or suite of rooms in a building occupied or designed for occupation by one family for living or sleeping purposes.

(Repealed and added by Stats. 1941, Ch. 1097.)

"Approved"

18104.5. "Approved" when used in connection with any material, appliance or construction, means meeting the requirements and approval of the Division of Housing of the Department of Industrial Relations of the State of California.

(Added by Stats. 1949, Ch. 969.)

"Building"

18105. "Building" as used in this part means a tent, tent-house, single and multifamily dwelling, public toilets, public baths and laundry rooms or other structures and a compartment containing a toilet or bath, or both, constructed for the exclusive use of an occupant of a camp site.

(Repealed and added by Stats. 1941, Ch. 1097; amended by Stats. First Ex. Sess. 1946, Ch. 21, and by Stats. 1949, Ch. 969. See note to Section 18100.)

"Dwelling"

18106. "Dwelling," as used in this part, is a building containing one or more apartments.

(Repealed and added by Stats. 1941, Ch. 1097.)

"Garage"

18106.5. "Garage" means any space in any building used for the storage of automobiles.

(Added by Stats. 1949, Ch. 969. See note to Section 18100.)

"Family"

18107. "Family," as used in this part, means one person living alone or a group of two or more persons occupying an apartment.

(Added by Stats. 1941, Ch. 1097.)

"Liquefied petroleum gas"

18107.1. "Liquefied petroleum gas" means petroleum hydrocarbons or mixtures thereof, in liquid or gaseous state, having a vapor pressure in excess of 26 psi at a temperature of 100 degrees F. Whenever the symbol "LPC" is used it shall mean liquefied petroleum gas.

(Added by Stats. 1949, Ch. 969.)



18107.5. "Story" is defined as that portion of a building "Story" included between the finished floor and the finished ceiling of any floor and shall be not less than eight feet in height.

(Added by Stats. 1947, Ch. 1434.)

18108. In an auto court and resort or auto and trailer "Nuisance" camp, "nuisance" includes any of the following:

(a) Any public nuisance known at common law or in equity jurisprudence.

(b) Whatever is dangerous to human life or is detrimental to health.

(c) The overcrowding of any room with occupants.

(d) Insufficient ventilation or illumination of any room.

(e) Inadequate or insanitary sewage or plumbing facilities.

(f) Whatever renders air, food, or drink unwholesome, or detrimental to the health of human beings.

(Added by Stats. 1941, Ch. 1097.)

18109. The provisions of this part relating to auto courts and resorts apply only in the unincorporated areas of this State. The provisions of this part relating to auto and trailer camps apply to all parts of the State except within cities and counties that have enacted and are enforcing local ordinances regulating auto and trailer camps and such ordinances prescribe minimum standards equal to or greater than the provisions of this part relating to auto and trailer camps. The provisions of this part shall not prevent local authorities of any city, county, or city and county, within the reasonable exercise of the police power, from prohibiting auto and trailer camps within such city, county, or city and county, or from adopting rules and regulations, by ordinance or resolution, prescribing higher standards of sanitation, health and safety for auto and trailer camps and requiring a local health permit to maintain and conduct any such auto and trailer camp within such city, county, or city and county.

(Added by Stats. 1941, Ch. 1097; amended by Stats. 1947, Ch. 1434, and by Stats. 1949, Ch. 631.)

## CHAPTER 2. ENFORCEMENT, ACTIONS AND PROCEEDINGS

(Chapter 2 repealed and added by Stats. 1941, Ch. 1097)

18200. The California Highway Patrol shall enforce the provisions of Section 18602. The Division of Housing in the Department of Industrial Relations shall enforce every other provision of this part; provided, however, that the health officer of the county or of the city in which an auto and trailer park, is situated, may enforce the provisions of Articles 3, 4 and 5 of Chapter 5 of this code.

The officers or agents of the division, or the county health officer, or a city health officer may:

(a) Enter public or private property to determine whether there exists any auto court and resort, auto camp or trailer camp to which this part applies.

(b) Enter and inspect all auto courts and resorts, auto camps or trailer camps, wherever situated, and inspect all accommodations, equipment or paraphernalia used in connection therewith, including the right to examine any registers of occupants maintained therein in order to secure the enforcement of the provisions of this part.

(Repealed and added by Stats. 1941, Ch. 1097; amended by Stats. 1943, Ch. 1131, and by Stats. 1949, Ch. 969.)

18201. The owner or operator of an auto court and resort or an auto and trailer camp shall abate any nuisance in the court and resort or camp within five days, or within such longer period of time as may be allowed by the Division of Immigration and Housing, after he has been given written notice by the division to remove the nuisance. If he fails to do so within that time, the district attorney of the county in which the auto court and resort or camp, or the greater portion of the auto court and resort or camp, is situated shall bring a civil action to abate the nuisance in the superior court of the county in the name of the people of the State of California.

(Repealed and added by Stats. 1941, Ch. 1097.)

Facts  
required

18202. In any action or proceeding to abate a nuisance in an auto court and resort or auto and trailer camp, proof of the following facts is sufficient for a judgment or order for the abatement of the operation of the auto court and resort or auto and trailer camp:

(a) Previous conviction of the owner or operator of the auto court and resort or auto and trailer camp of a violation of this part which constitutes a nuisance.

(b) Failure on the part of the owner or operator to correct the violation after the conviction.

(c) The violation is the basis for the proceeding.

(Repealed and added by Stats. 1941, Ch. 1097.)

Authority  
of officers

18203. For the purpose of securing the enforcement of this part the officers or agents of the Division of Housing shall have the authority of peace officers, including authority to make arrests, to serve any process or notice throughout the State, and generally such other authority of peace officers as may be necessary in order to secure enforcement of this part.

(Added by Stats. 1949, Ch. 969.)

### CHAPTER 3. PERMITS AND FEES

(Chapter 3 repealed and added by Stats. 1941, Ch. 1097)

Permit  
necessary

18300. It is unlawful for any person to do any of the following unless he first makes application in writing to the Division of Housing and obtains a permit therefor:

(a) Construct an auto court and resort or auto and trailer camp.

(b) Construct additional buildings or reconstruct or move existing buildings in an existing auto court and resort or auto and trailer camp.

(c) Operate, or rent, lease, sublease, let, or hire out for occupancy any space in an auto and trailer camp or any building in an auto court and resort that has been constructed, reconstructed, or altered or moved without having obtained a permit as required herein.

(d) Operate an auto court and resort, or an auto and trailer park for which a fee of twenty-five dollars (\$25) has never been paid either to construct or operate.

(Repealed and added by Stats. 1941, Ch. 1097; amended by Stats. 1949, Ch. 969. See note to Section 18100.)

18301. In the case of a new auto court and resort, a new auto and trailer camp, or a new combination auto court and resort and auto and trailer camp, the application shall be accompanied by:

Contents of  
application

(a) A description of the grounds upon which the auto court and resort or auto and trailer camp is to be constructed.

(b) Plans and specifications of the proposed construction.

(c) A description of the water supply, ground drainage, and method of sewage disposal.

(d) A fee of twenty-five dollars (\$25), except that the fee shall be waived when the new auto court and resort or new auto and trailer camp is to be operated as a combination auto court and resort and auto and trailer camp with an auto court and resort or trailer camp for which a fee has been paid and a permit issued.

(Repealed and added by Stats. 1941, Ch. 1097.)

18302. In the case of an existing auto court and resort or auto and trailer camp, the application shall be accompanied by:

Same

(a) A description of the grounds upon which buildings are to be added or reconstructed, or to which buildings are to be moved, or which is to be used for camping purposes.

(b) Plans and specifications of the proposed addition, reconstruction or movement.

(c) A description of the water supply, ground drainage, and method of sewage disposal.

(d) In an auto court and resort, or a motel, a fee of two dollars (\$2) for every apartment in a building which is added or reconstructed or moved; and provided, however, that no fee greater than twenty-five dollars (\$25) shall be required.

(e) In an auto and trailer park a fee of two dollars (\$2) for each additional camp site; provided, however, that no fee greater than twenty-five dollars (\$25) shall be required.

(Repealed and added by Stats. 1941, Ch. 1097; amended by Stats. 1947, Ch. 1434, and by Stats. 1949, Ch. 969. See note to Section 18100.)

18302.5. (Added by Stats. 1947, Ch. 1434; repealed by Stats. 1949, Ch. 969.)

18303. Within 10 days after the application, descriptions, plans and specifications, and required fee, if any, are filed and paid, an inspector of the Division of Immigration and Housing shall inspect the grounds upon which the applicant proposes to do the work for which he seeks a permit. The

Inspection



division shall issue a written permit to the applicant if, in its opinion:

(a) The grounds are satisfactory for the work proposed.

(b) The descriptions and plans and specifications filed indicate that the work proposed will meet the requirements of this part.

(Repealed and added by Stats. 1941, Ch. 1097.)

**Changes**

18304. The Division of Housing shall be notified by the new owner or operator of any auto court and resort or auto and trailer camp of any change in the name of or the ownership or possession thereof. Said notice shall be in written form and shall be furnished within 30 days from and after any such change in name or transfer of ownership or possession. The notice shall be accompanied by a transfer fee of ten dollars (\$10).

(Repealed and added by Stats. 1941, Ch. 1097; amended by Stats. 1947, Ch. 1434.)

**Posting**

18305. Permits for construction and operation shall be posted in a conspicuous place.

(Added by Stats. 1941, Ch. 1097.)

**Expiration**

18306. All permits as required in this chapter for construction or reconstruction of an auto court and resort or auto and trailer camp shall automatically expire within six months from the date of the issuance thereof in those cases where the construction or reconstruction has not been completed within said period; provided, however, that the Division of Immigration and Housing may extend the expiration date of said permit for a reasonable time.

(Added by Stats. 1941, Ch. 1097.)

**Violations**

18308. In the event that any person holding a permit issued by the Division of Housing under Chapters 3, 4 and 5 of Part 2, Division 13 of this code, violates any of the provisions of the said permit or of the said chapters, the permit may be subject to suspension as provided in this chapter.

(Added by Stats. 1947, Ch. 1434.)

**Notice of violations**

18309. The Division of Housing shall issue and serve upon the permittee a notice setting forth in what respect the provisions of the permit and/or this code have been violated, and shall notify him that unless these provisions have been complied with within 30 days after the date of notice, the permit shall be subject to suspension.

(Added by Stats. 1947, Ch. 1434.)

**Service of notice**

18310. The notice shall be served by posting at least one copy in a conspicuous place on the premises described in the said permit, and by sending another copy by registered mail, postage prepaid, return receipt requested, to the person to whom the permit was issued at the address therein given.

(Added by Stats. 1947, Ch. 1434.)

**Penalty**

18311. If the requirements of the said notice have not been complied with on or before the expiration of 30 days after the mailing and posting of the notice, the Division of Housing may suspend the permit.

(Added by Stats. 1947, Ch. 1434.)

18312. Upon compliance by the permittee with the provisions of this code and of said notice, and submission of proof thereof to the Division of Housing, the division shall reinstate the permit. Reinstate-  
ment

(Added by Stats. 1947, Ch. 1434.)

#### CHAPTER 4. AUTO COURTS AND RESORTS

(Chapter 4 repealed and added by Stats. 1941, Ch. 1097)

##### Article 1. Construction

(Article 1 repealed and added by Stats. 1941, Ch. 1097)

18400. Every building in an auto court and resort shall be constructed in a substantial and thoroughly workman-like manner; and shall provide shelter to the occupants against the elements, and exclude dampness in inclement weather. Substantial  
work

(Repealed and added by Stats. 1941, Ch. 1097.)

18400.5. Every building in an auto court and resort and every part of such building shall be maintained in a state of good repair. Maintenance

(Added by Stats. 1949, Ch. 969. See note to Section 18100.)

18401. The footings, foundations, walls, joists, studding, girders, columns, and all other bearing portions of a building shall be of such sizes and so constructed as to sustain safely in all their parts all the live and dead loads transmitted to them, in addition to their own dead loads. Construction

(Repealed by Stats. 1941, Ch. 1097; added by Stats. 1949, Ch. 969. See note to Section 18100.)

18401.1. Each floor in a building shall be constructed to sustain safely a live load of not less than forty pounds to each square foot. Floor

(Added by Stats. 1949, Ch. 969. See note to Section 18100.)

18401.2. Each roof of a building shall be constructed to sustain safely a live load of not less than twenty pounds to each square foot. Roof

(Added by Stats. 1949, Ch. 969. See note to Section 18100.)

18401.3. Schedules of weights of materials, safe allowable unit stresses, and formulas used for computing stresses shall be of standard recognized practice. Standards

(Added by Stats. 1949, Ch. 969. See note to Section 18100.)

18402. The wooden studs in every bearing wall and bearing partition shall be not less than two inches by four inches; and the studs shall be spaced not more than 16 inches center to center, except that construction of equal or greater strength may be used in lieu thereof. Studs

(Repealed and added by Stats. 1941, Ch. 1097.)

18403. All wooden stud walls and partitions shall be effectively fire stopped at the floors and ceilings. Fire  
stoppage

(Repealed and added by Stats. 1941, Ch. 1097.)

Angle  
bracing

18404. Each wooden stud wall and partition shall be thoroughly and effectively angle-braced at each corner and at least once in each 25 feet of its length, except that diagonal sheathing or other membrane of comparable strength and rigidity may be used for angle-bracing.

(Repealed and added by Stats. 1941, Ch. 1097.)

Reinforce-  
ment

18405. No floor joist or other bearing support shall be cut or notched for any purpose unless it is reinforced to take up the weakness caused by the cut or notch.

(Added by Stats. 1941, Ch. 1097.)

Cross-  
bridging

18406. Every span of wooden floor joists shall be cross-bridged with cross-bridging of not less than two-inch by three-inch material, at intervals not more than eight feet apart. A bearing partition, wall, girder, or other support under the joists that is blocked solid over its top between the joists with blocks not less than two inches thick the full depth of the joists shall take the place of cross-bridging.

(Added by Stats. 1941, Ch. 1097.)

Foundation

18407. Every building, except a tent or a tenthouse, shall have an adequate masonry foundation.

(Added by Stats. 1941, Ch. 1097; amended by Stats. 1947, Ch. 1434.)

Air space

18408. There shall be a clear air space under the lower floor of every building in an auto court and resort. The air space shall:

(a) Measure at least eighteen inches in the clear from the underside of the floor joists to be ground directly beneath; provided, that waterproof masonry floors of not less than four-inch thickness may be laid directly on the ground.

(b) Be enclosed.

(c) Be provided with a sufficient number of openings with screens, lattice work, or similar installations, of a size to insure ample ventilation.

The surface underneath the floor shall be kept clean, and shall be free from any accumulation of rubbish, debris, or filth.

(Added by Stats. 1941, Ch. 1097; amended by Stats. 1949, Ch. 969. See note to Section 18100.)

Sleeping  
room

18409. Every sleeping room in any building in an auto court and resort shall:

(a) Have a superficial floor area of at least 80 square feet.

(b) Be at least seven feet in width at any point within that portion of the room included in computing the minimum required superficial floor area.

(Added by Stats. 1941, Ch. 1097.)

Ceiling

18410. Every sleeping room and kitchen in any building in an auto court and resort shall have a ceiling height of at least eight feet, measured from the finished floor to the finished ceiling; but if the room has a sloping ceiling, the ceiling height may be less than eight feet in not more than one-half the sloping ceiling portion of the room.

(Added by Stats. 1941, Ch. 1097.)



18411. Every partition in a building in an auto court and resort separating a room used for cooking purposes from a room used for sleeping purposes shall extend to the ceiling; or to the roof, if there is no ceiling and any openings therein shall be provided with a full length solid door. Partitions

(Added by Stats. 1941, Ch. 1097.)

18412. Every kitchen in any building in an auto court and resort shall contain not less than 50 square feet of floor area. Kitchen

(Added by Stats. 1941, Ch. 1097.)

18413. Every room in a building in an auto court and resort used as a toilet or bath room shall be separated by a partition extending to the ceiling, or to the roof if there is no ceiling, and any openings therein shall be provided with a full length solid door. Bath rooms

(Added by Stats. 1941, Ch. 1097.)

18414. The provisions of Sections 18402, 18403, 18404, 18405, 18406 and 18407 of this article shall not apply to the construction of tent houses in seasonal resorts operated between May 1st and October 15th of each year. Exemption

(Added by Stats. 1941, Ch. 1097.)

## Article 2. Windows

(Article 2 repealed and added by Stats. 1941, Ch. 1097)

18430. "Window," as used in this article, includes a French door or window. "Window"

(Repealed and added by Stats. 1941, Ch. 1097.)

18431. Windows required by this article may be measured the full width of the sash. Measurement

(Repealed and added by Stats. 1941, Ch. 1097.)

18432. Every living room, sleeping room, or kitchen in every building in any auto court and resort shall be provided with one or more windows having an aggregate area of not less than one-eighth the floor area of the room, or not less than 12 square feet, whichever is the greater. Area

Every bath or watercloset compartment shall be provided with one or more windows having an aggregate area of not less than six square feet.

(Repealed and added by Stats. 1941, Ch. 1097; amended by Stats. 1947, Ch. 1434.)

18432.5. In lieu of windows for private bath and toilet compartments in an auto court and resort, or motel, an approved fan exhaust system of ventilation may be used. Fan exhaust system

(Added by Stats. 1949, Ch. 969. See note to Section 18100.)

18432.6. The fan exhaust system of ventilation shall be so designed and operated as to produce a complete change of air in not more than five minutes. Design

(Added by Stats. 1949, Ch. 969. See note to Section 18100.)

18432.7. Any person in charge of a building in which a fan exhaust system of ventilation is installed and used pursuant to this article, who fails, neglects, or refuses to operate and maintain the system in good order and repair so that the air in each Penalty

room for which it is provided is not completely changed within the specified intervals, is guilty of a misdemeanor.

(Added by Stats. 1949, Ch. 969. See note to Section 18100.)

Open area

18433. Windows required by this article shall be so arranged that at least one-half of their aggregate area may be opened.

(Repealed and added by Stats. 1941, Ch. 1097.)

View from window

18434. All required windows shall abut upon a street, or a yard or court not less than four feet in clear width, and containing an area of not less than 40 square feet, open and unobstructed to the sky, located on the same lot as the building it serves. Required bath or toilet room windows, however, may open into a vent shaft at least three feet in its least dimension and unobstructed to the sky.

(Repealed and added by Stats. 1941, Ch. 1097.)

Roofed porch

18435. Any window required by this article may open through a roofed porch which

(a) Does not exceed seven feet in depth.

(b) Has one side or one end abutting a street, or a yard or court not less than four feet in width. Such street, yard or court shall be directly opposite the windows served.

(c) Has a ceiling height of not less than seven feet.

The open and unobstructed side and end of the porch may be covered with metal screening of at least 16 mesh.

(Repealed and added by Stats. 1941, Ch. 1097.)

18436. (Repealed by Stats. 1941, Ch. 1097.)

## Article 2.5. Air Ducts

(Article 2.5 added by Stats. 1949, Ch. 969)

Construction

18440. Every duct used for the transmission of air, whether for ventilating, cooling, or heating purposes, and forming part of any mechanical or other system of ventilation or air conditioning system, installed in any auto courts and motels, shall be constructed of either of the following materials.

(a) Approved incombustible materials.

(b) Approved metal not less than number twenty-six gauge, with lock-jointed seams and with all joints connecting each duct unit effectively riveted or otherwise securely attached.

(Added by Stats. 1949, Ch. 969. See note to Section 18100.)

## Article 2.6. Garages

(Article 2.6 added by Stats. 1949, Ch. 969)

Windows

18450. No window from any building shall open into a garage.

(Added by Stats. 1949, Ch. 969. See note to Section 18100.)

Ventilation

18451. Every garage shall be provided with a minimum ventilation area of sixty square inches for each automobile stored in each garage. Each ventilation outlet shall be protected with galvanized wire or rods not less than three-eighths inch diameter

and provide openings not less than one-half inch mesh. Each ventilation opening shall lead to the outer air and shall not be more than eighteen inches above the garage floor level.

(Added by Stats. 1949, Ch. 969. See note to Section 18100.)

### Article 2.7. Masonry Construction

(Article 2.7 added by Stats. 1949, Ch. 969)

18455.5. Unit masonry walls used in the construction of Walls any building in an auto court and resort, or motel, or any building in an auto and trailer park shall be constructed as follows:

(a) Bearing walls and bearing partitions shall be not less than eight inches in width.

(b) All masonry units shall be laid up in cement mortar.

(c) Bearing walls shall be so designed and constructed to withstand the vertical live and dead loads placed on them and to withstand a horizontal force from any direction of 15 pounds per square foot of wind pressure on the vertical projection of the exposed surface of the walls.

(d) Walls as described above shall be so designed as to admit of a rational analysis in accordance with established principles of mechanics.

(Added by Stats. 1949, Ch. 969; amended by Stats. 1951, Ch. 30.)

### Article 3. Plumbing, Use and Sanitation

(Article 3 repealed and added by Stats. 1941, Ch. 1097)

18460. One water closet for each sex shall be provided in a separate compartment for every 10 apartments or fractional part thereof in an auto court and resort not provided with a private water closet; provided, however, that the enforcement agency may authorize other types of toilet facilities in its discretion. Water closets

(Repealed and added by Stats. 1941, Ch. 1097; amended by Stats. 1949, Ch. 969. See note to Section 18100.)

18460.4. Every water closet compartment in any building shall be at least thirty inches in clear width. Width

(Added by Stats. 1949, Ch. 969. See note to Section 18100.)

18460.5. The public toilets shall be maintained readily accessible to all the tenants at all times. Toilets

(Added by Stats. 1947, Ch. 1434.)

18461. One shower or bath tub for each sex shall be provided in a separate compartment for every 10 apartments or units or fractional part thereof in every auto court and resort not provided with private bathing facilities. Such shower or bath tub shall be supplied with hot and cold water. Bathing

(Repealed and added by Stats. 1941, Ch. 1097; amended by Stats. 1949, Ch. 969. See note to Section 18100.)

18462. The floor of every water-closet and shower-bath compartment shall be constructed, and shall be maintained in a waterproof condition by the use of cement, concrete, or other approved waterproof material. The waterproof material shall Flooring



be applied upward on the interior walls of the shower bath compartment to a height of not less than six feet above the floor.

(Repealed and added by Stats. 1941, Ch. 1097.)

Location of  
toilet, etc.

18463. No apartment or unit shall be more than 200 feet from a toilet and a shower or bath compartment.

(Repealed and added by Stats. 1941, Ch. 1097.)

Kitchen

18464. Each kitchen shall be provided with a kitchen sink constructed of approved nonabsorbent material, and supplied with hot and cold running water.

(Repealed and added by Stats. 1941, Ch. 1097; amended by Stats. 1949, Ch. 969. See note to Section 18100.)

Water-closet  
door or  
opening

18465. No door or other opening in a water-closet compartment shall open from or into any room in which food is stored, prepared, or cooked.

(Added by Stats. 1941, Ch. 1097.)

Traps

18466. In every building in an auto court and resort each plumbing fixture shall be connected to a sanitary drainage system, and shall be provided with a water sealed trap.

(Added by Stats. 1941, Ch. 1097; amended by Stats. 1949, Ch. 969. See note to Section 18100.)

Vents

18466.5. The trap shall be separately and effectively vented by means of a connection to a vent pipe extending to the outer air above the roof. The vent pipe shall be so installed and maintained that no drainage or sewage from any fixture may be deposited in or conveyed through it.

(Added by Stats. 1949, Ch. 969. See note to Section 18100.)

Same

18466.6. Plumbing vent pipes installed in any building shall not terminate at a point adjacent to any window or other opening in the building intended or used for ventilation purposes.

(Added by Stats. 1949, Ch. 969. See note to Section 18100.)

Cleanouts

18466.7. Suitable and readily accessible cleanouts shall be placed at convenient points in the plumbing system of every building.

(Added by Stats. 1949, Ch. 969. See note to Section 18100.)

Replacement  
of fixtures

18466.8. Whenever any plumbing fixture becomes unsanitary, the enforcement agency may require its removal and replacement by a fixture conforming to the provisions of this part.

(Added by Stats. 1949, Ch. 969. See note to Section 18100.)

Cesspool or  
septic tank

18467. If it is impracticable to connect the plumbing fixtures affecting the sanitary drainage system with municipal or sanitary district sewer, sewage or waste may be discharged into a cesspool or into a septic tank constructed and maintained to the satisfaction of the enforcement agencies.

(Added by Stats. 1941, Ch. 1097; amended by Stats. 1949, Ch. 969. See note to Section 18100.)

Sewage, etc.

18467.5. No sewage, waste water or any effluent shall be allowed to be deposited on the surface of the ground.

(Added by Stats. 1949, Ch. 969. See note to Section 18100.)

18468. There shall be in every auto court and resort an adequate supply of pure water for all the requirements of the camp. The water shall be obtainable from faucets installed within 100 feet of each part of the court. Water supply

(Added by Stats. 1941, Ch. 1097.)

18469. No dipping vessels or cups for common use are permissible in any auto court and resort. Dipping

(Added by Stats. 1941, Ch. 1097.)

18469.5. Drinking fountains shall be maintained in a sanitary condition and shall be of a type approved by the enforcement agency. Drinking fountains

(Added by Stats. 1947, Ch. 1434.)

18470. Every gas water heater, and every other gas-fire appliance used for the purpose of heating a building, except gas plates and gas ranges, in every auto court and resort apartment shall be an approved vented type appliance and shall be so vented as to effectively discharge the flue gases therefrom through a sheet metal or other approved vent pipe not less than the area of the vent outlet on the appliance but in no case less than two and one-half inches in internal diameter, which vent pipe shall be connected to a vertical, or substantially vertical flue or chimney leading to the outer air above the roof. A model or sample of every such gas water heater and every other gas-fire appliance used for the purpose of heating a building, except gas plates and gas ranges, shall have been tested and approved by a nationally recognized standard or nationally recognized testing laboratory and such appliance shall have attached thereto an insignia of approval by such standard or testing laboratory. The flue or chimney shall be either terra cotta, brick, fire clay, or other approved product, having a wall thickness of adequate insulating value, and which will not disintegrate from the effects of the products of combustion. The internal area of the flue or chimney shall be at least twelve square inches. Gas appliances

All gas appliances subject to the provisions of this section and all gas plates and gas ranges shall be rigidly connected with metal piping directly to the gas service outlet.

(Added by Stats. 1941, Ch. 1097; amended by Stats. 1949, Ch. 969. See note to Section 18100.)

18470.5. There shall be installed in the ceiling over any gas cooking appliance an opening not less than six by eight inches, connected to a vertical duct leading to the outer air above the roof. Vents

(Added by Stats. 1949, Ch. 969. See note to Section 18100.)

18471. A room used for the cooking and preparation or storage of food shall not be used for sleeping purposes. Sleeping rooms

(Added by Stats. 1941, Ch. 1097.)

18472. It is unlawful to use or permit to be used for sleeping purposes any room in any building that does not contain at least 640 cubic feet of air space. Air space

If any room is used for sleeping purposes by more than two persons, the minimum required cubic air space of the room

shall be increased by not less than 500 cubic feet for each additional person in excess of two that the room is designed, built, or intended to, or does, accommodate.

(Added by Stats. 1941, Ch. 1097.)

**Sanitary**

18473. Every building in an auto court and resort and every part of such building shall be maintained in a clean and sanitary condition and shall be kept free from vermin, debris, filth, rubbish, garbage or other offensive matter.

(Added by Stats. 1941, Ch. 1097.)

**Drainage**

18474. The premises upon which an auto court and resort is situated shall be well drained and properly graded and maintained in a clean and sanitary condition.

(Added by Stats. 1941, Ch. 1097.)

**Vermin**

18475. Every mattress and all bedding used in any auto court and resort shall be maintained in a clean and sanitary condition and free from vermin.

(Added by Stats. 1941, Ch. 1097.)

**Refuse**

18476. All garbage, waste and rubbish in every auto court and resort shall be burned, buried or removed from the premises without creating a nuisance and in such manner as may be approved by the health department of the county in which the camp is located.

(Added by Stats. 1941, Ch. 1097.)

Article 4. (Repealed by Stats. 1941, Ch. 1097)

18480. (Repealed by Stats. 1941, Ch. 1097.)

**CHAPTER 5. AUTO AND TRAILER PARKS**

(Ch. 5 repealed and added by Stats. 1941, Ch. 1097; heading amended by Stats. 1947, Ch. 1434)

**Article 1. General Provisions**

(Article 1 repealed and added by Stats. 1941, Ch. 1097)

**Unlawful  
occupancy**

18600. It shall be unlawful for any person in an auto and trailer park to use or cause, or permit to be used for occupancy.

(a) Any trailer coach from which any tire or wheel has been removed therefrom, except for the purpose of making temporary repairs or placing it in dead storage.

(b) Any trailer coach to which are attached any rigid water, gas or sewer pipes; provided, however, that metal tubing not to exceed one-half inch inside diameter may be used for water and gas.

(c) Any trailer coach which is permanently attached with underpinning or foundation to the ground.

(d) Any trailer coach which does not conform to the requirements of the California State Vehicle Code governing the use of trailers on public highways.

(e) Any trailer coach which does not carry a current yearly license issued by any state or foreign state motor vehicle department.

(f) Any trailer coach in an insanitary condition.

(g) Any trailer coach which is structurally unsound and does not protect its inhabitants against the elements.



(h) Any trailer coach to which there is attached or to which there is established less than six feet adjacent thereto any room or rooms or lean-tos; provided, however, that an approved awning entirely open on two sides may be allowed and except as provided in Section 18625.5.

(Repealed and added by Stats. 1941, Ch. 1097; amended by Stats. 1947, Ch. 1434; repealed and added by Stats. 1949, Ch. 969. See note to Section 18100.)

18600.5. It shall be unlawful for any person to rent or hold out for rent any trailer coach in an auto and trailer park which is owned by or in the possession or control of the owner or operator of the auto and trailer park or his agent. The rental paid for any such trailer coach shall also be deemed to be rental for the space it occupies. Unlawful rental

(Former Section 18600.5 added as duration provision by Stats. 1945, Ch. 404. Present Section 18600.5 added as permanent provision by Stats. 1949, Ch. 969.)

18601. It is unlawful for any person to use, occupy, or maintain any trailer coach, tent or tent-house upon any area or tract of land for a period of more than seven days during any one three-months' period of time without the written permission of the owner or person legally in charge of the land. Owner's permission

(Repealed and added by Stats. 1941, Ch. 1097.)

18602. It is unlawful to camp over night or to park a trailer coach over night upon any public highway including the right of way. This provision shall not apply where a trailer coach is parked for the purpose of making emergency repairs. Parking

(Repealed and added by Stats. 1941, Ch. 1097.)

## Article 2. Camp Sites

(Article 2 repealed and added by Stats. 1941, Ch. 1097)

18625. Each camp site in an auto and trailer park shall be not less than seven hundred fifty square feet in area. The corners of said area shall be clearly and distinctly marked. Size

(Repealed and added by Stats. 1941, Ch. 1097; amended by Stats. 1949, Ch. 969.)

18625.5. No trailer coach shall be located closer than six feet from any building or another trailer coach; provided, however, that this does not apply to a compartment containing solely a private toilet or bath, or both, constructed for the exclusive use of an occupant of a camp site, designed for the occupancy of one trailer coach. Location of trailer coach

(Added by Stats. 1949, Ch. 969.)

18625.6. Each trailer coach and each building shall not be located closer than three feet from a lot line. Same

(Added by Stats. 1949, Ch. 969.)

18625.7. Each camp site shall front upon a driveway of not less than fifteen feet in width. All driveways shall have clear and unobstructed access to a public thoroughfare. Driveway

(Added by Stats. 1949, Ch. 969.)

When no  
sites

18626. An auto and trailer camp shall not accommodate any camping parties for whom there are no available camp sites in the camp.

(Repealed and added by Stats. 1941, Ch. 1097.)

Article 3. Water-closet, Bathing, and Plumbing Facilities  
(Article 3 repealed and added by Stats. 1941, Ch. 1097)

Water  
closets

18650. (a) There shall be not less than one water closet in a separate compartment for each sex for the first five camp sites or fractional part thereof, not provided with a private water closet. There shall be one additional water closet for each sex in a separate compartment for every ten additional camp sites or fractional part thereof; provided, however, that the enforcement agency when conditions warrant may approve the installation and use of other types of toilet facilities.

Distance

(b) All toilet facilities shall not be farther than two hundred feet from each camp site.

Use

(c) Each toilet shall be for the exclusive use of the occupants of the camp sites in the auto and trailer park.

(Repealed and added by Stats. 1941, Ch. 1097; amended by Stats. 1949, Ch. 969. See note to Section 18100.)

Width

18650.2. Every water closet compartment in any building in an auto and trailer park shall be at least thirty inches in clear width.

Toilets

(Added by Stats. 1949, Ch. 969. See note to Section 18100.)

18650.5. The public toilets shall be maintained readily accessible to all the tenants at all times.

(Added by Stats. 1947, Ch. 1434.)

Markings

18651. In every auto and trailer camp water closets for men shall be distinctly marked: "For men"; and water closets for women shall be distinctly marked: "For women." In addition, the location of water closets shall be plainly indicated by signs.

(Repealed and added by Stats. 1941, Ch. 1097.)

Flooring

18652. The floor of every water-closet compartment shall be constructed and shall be maintained in a waterproof condition by the use of cement, concrete, or other approved waterproof material. The waterproof material shall be applied upward on the interior walls of the water-closet compartment, to a height of not less than twelve inches above the floor.

(Repealed and added by Stats. 1941, Ch. 1097; amended by Stats. 1949, Ch. 969. See note to Section 18100.)

Rules and  
regulations

18653. It is unlawful for any person to use, or permit the use of, any toilet in any trailer coach located or camped within an auto and trailer camp, unless such toilet meets the requirements of the Division of Housing as set forth in rules and regulations of the said division for such use, and the said division is hereby empowered to draft and enforce such rules and regulations.

(Repealed and added by Stats. 1941, Ch. 1097; amended by Stats. 1949, Ch. 969. See note to Section 18100.)

18654. In every auto and trailer camp, shower baths or other bathing facilities with hot and cold running water shall be installed in separate compartments for every 15, or fractional part of 15 camp sites for each sex. Every compartment shall be provided with a self-closing door or otherwise equipped with a waterproofed draw curtain. All shower baths or other bathing facilities provided herein shall not be farther than two hundred feet from each camp site.

(Repealed and added by Stats. 1941, Ch. 1097; amended by Stats. 1947, Ch. 1434, and by Stats. 1949, Ch. 969. See note to Section 18100.)

18655. The floor of every shower bath compartment shall be constructed and shall be maintained in a waterproof condition by the use of cement, concrete, or other approved waterproof material. The waterproof material shall be applied upward on the interior walls of the compartment to a height of not less than six feet above the floor.

(Repealed and added by Stats. 1941, Ch. 1097.)

18656. Every water-closet compartment or compartments containing bathing facilities shall be:

(a) Kept clean.

(b) Kept free from obnoxious odors, flies, mosquitoes, or other insects.

(c) Provided with one or more windows having an aggregate area of not less than six square feet. However, if the room contains more than one water closet, bath or urinal, the total window area shall be equivalent to three square feet for each water closet, bath or urinal, but need not exceed one-fourth of the superficial floor area of the room.

(d) Windows shall be screened with not less than sixteen mesh metal screen.

(Repealed and added by Stats. 1941, Ch. 1097; amended by Stats. 1949, Ch. 969. See note to Section 18100.)

18656.4. There shall be constructed in every trailer camp a laundry compartment with not less than two laundry trays.

(Added by Stats. 1947, Ch. 1434.)

18656.5. The floors and at least 12 inches on the walls from the ground shall be constructed of approved waterproof masonry composition.

(Added by Stats. 1947, Ch. 1434.)

18656.6. Each laundry compartment shall have window area equal to at least one-eighth of the floor area, and in no case shall it be less than nine square feet.

(Added by Stats. 1947, Ch. 1434.)

18656.7. The laundry trays shall be supplied with hot and cold water.

(Added by Stats. 1947, Ch. 1434.)

18656.8. In every auto and trailer park there shall be set aside a space convenient to the laundry facilities for the occupants of the camp sites to dry clothes.

(Added by Stats. 1949, Ch. 969. See note to Section 18100.)



- Slop sinks** 18657. There shall be installed in every auto and trailer camp one or more slop sinks, which shall be conveniently located within 100 feet of each trailer coach or camp site.  
(Repealed and added by Stats. 1941, Ch. 1097.)
- Lavatories** 18657.5. There shall be not less than one lavatory for each sex installed in every building in an auto and trailer park containing public toilets.  
(Added by Stats. 1947, Ch. 1434.)
- Plumbing fixtures** 18658. All plumbing fixtures in every building in an auto and trailer park which affect its sanitary drainage system shall be installed and maintained as provided in Sections 18466, 18466.5, 18466.6, 18466.7, 18466.8, 18467 and 18467.5 of this part.  
(Repealed and added by Stats. 1941, Ch. 1097; amended by Stats. 1949, Ch. 969. See note to Section 18100.)  
18659. (Repealed and added by Stats. 1941, Ch. 1097; repealed by Stats. 1949, Ch. 969.)
- Water** 18660. There shall be in every auto and trailer camp an adequate supply of pure water for all the requirements of the camp. The water shall be obtainable from faucets installed within 100 feet of each part of the camp.  
(Added by Stats. 1941, Ch. 1097.)  
18661. No dipping vessels or cups for common use are permissible in any auto and trailer camp.  
(Added by Stats. 1941, Ch. 1097.)
- Drinking fountains** 18661.5. Drinking fountains shall be maintained in a sanitary condition, and shall be of a type approved by the enforcement agency.  
(Added by Stats. 1947, Ch. 1434.)
- Auto camp, etc., permit** 18662. Upon application, the Division of Immigration and Housing may issue a permit for the operation of an auto or trailer camp, which permit may allow variations in specified respects from the requirements of this article, under the following conditions.  
(a) When the auto or trailer camp is operated incidental to the operation of a fishing resort where boats are rented, and the auto or trailer camp is not so located as to rely primarily on tourist travel for patronage.  
(b) Where such relaxation in the requirements of this article as the Division of Immigration and Housing may permit will not in fact endanger public health.  
(Added by Stats. 1945, Ch. 1371.)

#### Article 4. Garbage and Rubbish Disposal

(Article 4 repealed and added by Stats. 1941, Ch. 1097)

- Metal cans** 18680. In every auto and trailer camp one or more metal garbage cans with tight fitting covers, appropriately labeled, shall be provided for every six, or fractional part of six, trailer coaches or camp sites within the camp.  
(Repealed and added by Stats. 1941, Ch. 1097.)

18681. All garbage, waste, and rubbish in every auto and trailer camp shall be burned, buried, or removed from the premises and disposed of without creating a nuisance. Disposal

(Repealed and added by Stats. 1941, Ch. 1097.)

18682. Any person who uses, occupies, operates, or maintains any trailer coach shall not deposit or dispose of any garbage, rubbish, or refuse otherwise than by burning or burying it at a distance more than 50 feet from any public highway or road and more than 200 feet from any spring, well, stream, lake, reservoir, or other source of water supply. Distance

(Repealed and added by Stats. 1941, Ch. 1097.)

18683. It shall be unlawful to permit any waste water or material from sinks or other plumbing fixtures in a trailer coach to be deposited upon the surface of the ground, and all such fixtures, when in use, must be connected to a sewer system or covered cesspool or septic tank. Waste water

(Repealed and added by Stats. 1941, Ch. 1097.)

18684. (Repealed by Stats. 1941, Ch. 1097.)

18685. (Repealed by Stats. 1941, Ch. 1097.)

## Article 5. Maintenance and Sanitation

(Chapter 5 repealed and added by Stats. 1941, Ch. 1097; amended and renumbered Article 5 by Stats. 1947, Ch. 1434)

18710. The area or tract of land upon which an auto and trailer camp is maintained shall be: Maintenance

(a) Well drained and graded.

(b) Kept free from dust.

(c) Kept clean and free from the accumulation of refuse, garbage, rubbish, or debris.

(Repealed and added by Stats. 1941, Ch. 1097.)

18710.5. The space directly beneath each trailer coach shall be kept clean and free from refuse, rubbish or other impedimenta. Rubbish

(Added by Stats. 1949, Ch. 969.)

18711. (Repealed by Stats. 1941, Ch. 1097.)

18712. (Repealed by Stats. 1941, Ch. 1097.)

## CHAPTER 5.5. AUTO COURTS AND RESORTS, MOTELS, AND AUTO AND TRAILER PARKS

(Chapter 5.5 added by Stats. 1949, Ch. 969)

### Article 1. Liquefied Petroleum Gases

(Article 1 added by Stats. 1949, Ch. 969)

18715. Location of Storage and Utilization Vessels and regulators.

(a) No cylinder shall be located within a building enclosed on four sides, nor within a trailer coach, nor within five (5) feet of a source of ignition, nor below ground, nor below ground level, nor with the outlet less than five (5) feet away from any building opening which is below the level of such outlet. Location

**Vents** The discharge from safety valves shall be vented in such a manner as to prevent any impingement of escaping LPG upon the vessel, and such discharge point shall be not less than five (5) feet, measured horizontally from any building opening which is below such discharge.

**Location** (b) Each tank shall be located with respect to the nearest source of ignition or line of property adjoining, which may be built upon in accordance with the following table. Vessels and first-stage regulating equipment carrying more than twenty psi pressure shall be located outside the buildings, or trailer coaches except as hereinafter provided. Each individual vessel shall be located with respect to the nearest important building or group of buildings or line of property adjoining, which may be built upon, in accordance with the following table:

**Table** Volumetric capacity of vessels

(in U. S. Gallons)	Minimum distance
Not more than 500 U. S. Gallons	10 feet
501 to 1,200 U. S. Gallons	25 feet
Over 1,200 U. S. Gallons	50 feet

(c) Regulating or filling equipment on tanks filled on consumers' premises shall not be less than fifteen feet from any opening into or under a building where such opening is below the level of the outlets of such regulating or filling equipment.

(d) Readily ignitable material shall not be permitted within ten (10) feet of any vessel, regulator, or vaporizer.

**Charging** (Added by Stats. 1949, Ch. 969. See note to Section 18100.) 18715.1. No cylinder shall be charged within ten (10) feet of any building in an auto court and resort or motel, nor shall any cylinder be charged within ten (10) feet of any trailer coach in an auto and trailer park.

(Added by Stats. 1949, Ch. 969. See note to Section 18100.)

## CHAPTER 6. MISCELLANEOUS PROVISIONS

(Chapter 6 repealed and added by Stats. 1941, Ch. 1097)

**Registration** 18720. Every person who owns or operates an auto court and resort or an auto and trailer camp shall keep a register in which shall be entered (a) the name and address of each guest who is the owner or operator of an automobile, and the name and address of each member of his party, for which accommodations are afforded in an auto court and resort or for which space is rented in an auto and trailer camp; (b) the make, type and license number of the automobile, and trailer, if any, and the state in which such vehicle or vehicles is or are registered and the year of registration.

(Added by Stats. 1941, Ch. 1097; amended by Stats. 1947, Ch. 1434.)

**Artificial light**

18720.5. In every auto court and resort and in every auto and trailer park there shall be installed and kept burning from sunset to sunrise sufficient artificial light to adequately illuminate every building containing public toilets and public showers,



and the area or tract of land containing the auto court and resort, or the auto and trailer park.

(Added by Stats. 1947, Ch. 1434.)

18720.6. In every auto court and resort and in every auto and trailer park, electric wiring, fixtures, and equipment shall be installed in a safe and approved workmanlike manner, and maintained to the satisfaction of the enforcement agency.

Electric wiring, fixtures, etc.

(Added by Stats. 1947, Ch. 1434.)

18720.7. Dogs, barnyard animals including poultry, shall not be permitted to run at large in any auto court or resort, or auto and trailer park.

Animals

(Added by Stats. 1949, Ch. 969.)

18721. This part does not apply to any supervised public park, public camp ground, or picnic ground owned, operated, or maintained by any of the following:

Public grounds

(a) The Federal Government.

(b) The State.

(c) Any agency or political subdivision of the State.

(Added by Stats. 1941, Ch. 1097.)

18721.5. (a) This part does not apply to any hotel which is subject to the provisions of Part 1 of this division. A "motel," as defined in Section 18100.5 shall not be considered subject to Part 1.

Inapplicability of part

(b) This part does not apply to any apartment house which is over one story in height and which is subject to the provisions of Part 1 of this division.

(Added by Stats. 1941, Ch. 1097; amended by Stats. 1947, Ch. 1434, and by Stats. 1949, Ch. 969.)

18722. It is unlawful for any person to operate or maintain, or cause or permit to be operated or maintained, any auto and trailer camp, unless there is a caretaker in the camp at all times. The caretaker shall enforce within the camp the provisions of this part governing the operation and maintenance of auto and trailer camps.

Caretaker

(Added by Stats. 1941, Ch. 1097.)

## CHAPTER 7. VIOLATIONS

(Chapter 7 added by Stats. 1941, Ch. 1097)

18800. Any person who violates any of the provisions of this part is guilty of a misdemeanor, punishable by a fine not exceeding two hundred dollars (\$200) or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

Penalty

(Repealed and added by Stats. 1941, Ch. 1097; amended by Stats. 1947, Ch. 1434.)

18801. (Repealed by Stats. 1941, Ch. 1097.)

18802. (Repealed by Stats. 1941, Ch. 1097.)

## PART 3. MISCELLANEOUS

### CHAPTER 1. SCOPE AND APPLICATION

19000. Any provision in this part which is inconsistent with any provision in the State Housing Act is inapplicable to buildings subject to that law.

Scope of part

## CHAPTER 2. EARTHQUAKE PROTECTION

## Article 1. Scope and Application

**Exemptions** 19100. This chapter does not apply to any of the following buildings:

(a) Any building not intended primarily for occupancy by human beings and located entirely outside the limits of a city or city and county.

(b) Any building designed and constructed for use exclusively as a dwelling by not more than two families and located entirely outside the limits of a city or city and county.

(c) Any building designed and constructed primarily for use in housing poultry, live stock, hay, grain, or farm machinery and supplies, and located wholly or in part within the limits of a city or city and county.

(d) Any building under construction on and prior to May 26, 1933.

**Local standards** 19101. Any city, city and county, or county may establish by ordinance construction standards higher than those established by this chapter.

## Article 2. Enforcement

**In cities** 19120. The building department of every city and city and county shall enforce this chapter within the city or city and county.

**"Building department"** "Building department" means the department, bureau, or officer charged with the enforcement of laws or ordinances regulating the erection, construction, or alteration of buildings.

**Outside cities** 19121. The department, officer, or officers of a county who are charged with the enforcement of ordinances or laws regulating the erection, construction, or alteration of buildings shall enforce this chapter within the county but outside the territorial limits of any city.

**Local designation** 19122. Any city or county may, by ordinance, designate any department or officer, other than a department or officer mentioned in this chapter, to enforce all or any part of this chapter.

**County enforcement** 19123. In any city where there is no department or officer charged with or designated for the enforcement of this chapter, the appropriate department, officer, or officers of the county in which such city is located shall enforce this chapter.

In any county where there is no department or officer charged with or designated for the enforcement of this chapter, this chapter shall be enforced by the county engineer, if there is a county engineer, and if not, then by the county surveyor.

(Added by Stats. 1941, Ch. 301.)

## Article 2a. Building Permits

### (Article 2a added by Stats. 1941, Ch. 1097)

19130. No person shall construct a building subject to this chapter unless he has obtained a written permit for that purpose from the appropriate enforcement agency. Permit required

(Added by Stats. 1941, Ch. 301.)

19131. Any person desiring a permit shall file an application therefor with the appropriate enforcement agency, which application shall contain: Application

(a) The name and address of the applicant.

(b) A detailed written statement of the work to be done.

(Added by Stats. 1941, Ch. 301.)

19132. The applicant shall file with his application: Filing with application

(a) A complete set of the plans of the work proposed.

(b) A set of specifications describing the materials to be used in the work.

(c) The fee prescribed for filing an application for a building permit.

(Added by Stats. 1941, Ch. 301; amended by Stats. 1945, Ch. 1147.)

19132.3. The following are the fees which shall be paid on filing an application for a permit: Fees

(a) If the work to be done will not exceed fifty dollars (\$50) in cost, no fee is required.

(b) If the work to be done will exceed fifty dollars (\$50) in cost, the fee is two dollars (\$2) if the cost does not exceed one thousand one dollars (\$1,001), and an additional two dollars (\$2) for each additional one thousand dollars (\$1,000) or fraction thereof in excess of one thousand one dollars (\$1,001) to and including fifteen thousand dollars (\$15,000).

(c) If the work to be done will exceed fifteen thousand dollars (\$15,000) in cost, the fee is thirty dollars (\$30), and an additional one dollar (\$1) for each additional one thousand dollars (\$1,000) or fraction thereof in excess of fifteen thousand dollars (\$15,000) to and including fifty thousand dollars (\$50,000).

(d) If the work to be done will exceed fifty thousand dollars (\$50,000) in cost, the fee is sixty-five dollars (\$65) and an additional fifty cents (\$0.50) for each additional one thousand dollars (\$1,000) or fraction thereof in excess of fifty thousand dollars (\$50,000).

Whenever the governing body of any city or county determines that the expenses of the enforcement agency subject to its jurisdiction incurred in the issuing of permits, including examining the applications, plans, and specifications filed with the enforcing agency, are not met by the fees prescribed in this section, such governing body may adopt an ordinance prescribing such fees for filing applications as will pay the expenses



of the enforcement agency incurred in issuing permits pursuant to this chapter.

(Added by Stats. 1945, Ch. 1147.)

Fees where  
work started  
prior to  
obtaining  
permit

19132.5. Where work for which a permit is required by this chapter is started or proceeded with prior to the obtaining of such permit, the fees prescribed in Section 19132.3 shall be doubled. The payment of such double fee does not relieve any person from fully complying with the requirements of this chapter in the execution of the work.

(Added by Stats. 1945, Ch. 1147.)

Fees based  
on estimated  
cost  
Records

19132.7. The enforcement agency shall determine the cost of the work to be done for which the applicant desires a permit, and shall be guided by approved estimating practices. The enforcement agency shall keep a permanent account of all fees received under this chapter, the names of the persons upon whose account the same were paid, the date and the amount thereof, and the location of the building or premises to which they relate. All fees received shall be paid into the treasury of the city or county.

(Added by Stats. 1945, Ch. 1147.)

Exemption  
from fees

19132.9. The United States, the State of California, school districts, counties and cities shall not be required to pay a fee for filing an application for a building permit pursuant to this chapter.

(Added by Stats. 1945, Ch. 1147.)

Examination

19133. The enforcement agency shall examine the application, plans, and specifications filed with it by an applicant, and if it appears that the work to be done will not result in a violation of this chapter, shall approve them and issue a permit to the applicant.

(Added by Stats. 1941, Ch. 301.)

Changes

19134. The enforcement agency may approve changes in any application, plans, or specifications previously approved by it.

(Added by Stats. 1941, Ch. 301.)

Revocation

19135. The enforcement agency may revoke any permit if the permittee refuses, fails, or neglects to comply with any provision of this chapter, or if it finds that any false statement or misrepresentation was made in the application, plans, or specifications filed by the permittee.

(Added by Stats. 1941, Ch. 301.)

Work  
authorized

19136. The work authorized by a permit shall be performed only in accordance with the application, plans, and specifications filed by the permittee.

(Added by Stats. 1941, Ch. 301.)

Violations

19137. The issuance of a permit does not constitute approval of any violation of any provision of this chapter.

(Added by Stats. 1941, Ch. 301.)

Filings under  
State Housing  
Act

19138. In any case where a building subject to this chapter is also subject to the permit provisions of the State Housing Act, it shall not be necessary to make duplicate filings of plans

and specifications hereunder, to include in the application a detailed statement of the work to be done, nor shall it be necessary to pay a fee for filing an application for a building permit under this chapter if a fee is prescribed by local ordinance for a permit under the State Housing Act. In such cases, the application hereunder may contain a general statement of the work to be done, with a specific reference to the application, plans, and specifications filed under the State Housing Act.

(Added by Stats. 1941, Ch. 301; amended by Stats. 1945, Ch. 1147.)

### Article 3. Design and Construction

19150. Every building of any character, except a building to which this chapter does not apply, constructed in any part of this State shall be designed and constructed to resist and withstand horizontal forces from any direction of not less than either of the following, whichever is the greater:

Horizontal  
force re-  
sistance

(a) Two per cent of the total vertical design load.

(b) Twenty pounds per square foot of wind pressure on the vertical projection of the exposed surface of every portion of the building more than 60 feet in height, and 15 pounds per square foot of wind pressure on the vertical projection of the exposed surface of every portion of the building 60 feet or less in height

(Amended by Stats. 1941, Ch. 1065.)

19151. In computing the resistance of any building to horizontal forces, the stresses resulting from the combined vertical and horizontal forces shall not exceed one and one-third times the allowable working stresses.

Computation

"Allowable working stresses" means stresses specified by:

"Allowable  
working  
stresses"

(a) An ordinance of the locality in which the building is situated.

(b) The Division of Architecture in the State Department of Public Works for the locality in which the building is situated, if the locality has no ordinance on the subject.

### Article 4. Violations

19170. Any person who violates, or causes or permits another person to violate, any provision of this chapter is guilty of a misdemeanor.

Penalty

(Amended by Stats. 1941, Ch. 301.)

### CHAPTER 3. AIR SPACE IN SLEEPING ROOMS

19300. Every room used for sleeping purposes in any building or structure within any city shall contain at least 500 cubic feet of air space for each occupant. If any such room contains less air space, any owner, lessor, lessee, landlord, tenant, or occupant of the room is guilty of a misdemeanor.

Air space

## CHAPTER 4. HOTEL BEDDING AND SANITATION

## Article 1. Definitions

- "Hotel"** 19400. "Hotel," as used in this chapter, includes a lodging house, rooming house, or other building or structure maintained, advertised, or held out to the public as a place where sleeping or rooming accommodations are furnished to the whole or any part of the public, whether with or without meals.
- "Bedding"** 19401. "Bedding," as used in this chapter, includes bedclothes, bedcovering, mattresses; quilts, blankets, sheets, pillows, pillow slips, and comforters.

## Article 2. Enforcement

- Enforcement** 19420. The State Department of Public Health and the local health officers shall enforce this chapter.

## Article 3. Bedding

- Supply** 19440. Every bed used in any hotel shall be provided with a sufficient supply of bedding.
- Change** 19441. Clean sheets and pillow slips shall be supplied for each bed in an hotel at least as often as the bed is assigned to a different person.
- Sheet dimensions** 19442. Sheets on single beds in an hotel shall be at least 50 inches wide and 98 inches long. Sheets on all other beds in an hotel shall be at least 81 inches wide and 98 inches long.
- Sanitation** 19443. All bedding used in any hotel shall be kept clean, and shall be free from filth or dirt.
- Worn bedding** 19444. Bedding which is worn out or unfit for use by human beings shall not be used in any hotel.

## Article 4. Sanitation

- Towels** 19470. In every hotel in which there is a public washstand or washbowl, there shall be a sufficient supply of clean, individual towels for the use of, and visible and easily accessible to, persons who may use the washstand or washbowl.
- Ventilation** 19471. Every room used for sleeping purposes in any hotel shall be properly and sufficiently ventilated by means of a window, transom, or other device.
- Fumigation** 19472. Any room in any hotel which is infected with bedbugs or other vermin shall be fumigated, disinfected, and renovated until the bedbugs or other vermin are exterminated.
- Sanitation** 19473. The walls, floor, ceiling, doors, and other portions of every room used for sleeping purposes in any hotel shall be kept free from dirt or filth.

## Article 5. Violations

- Penalty** 19500. Every owner, lessee, manager, or person in charge of any hotel who violates, or permits a violation of, this chapter is guilty of a misdemeanor punishable by a fine of not



more than two hundred dollars (\$200) or imprisonment for not more than three months.

He is guilty of a separate offense for each day that he commits or permits a violation.

#### CHAPTER 5. GAS ILLUMINATION IN RENTED ROOMS

19600. Unless the exit orifices on the gas fixtures in the building are connected with a practical and safe automatic gas igniter, every keeper of an hotel, lodging house, or other building or structure containing rooms rented to lodgers, in which illuminating gas is used, who turns off, or causes the turning off of, the flow of the gas at the meter during the time that any room is in use is guilty of a misdemeanor. Turning off  
gas at meter

#### CHAPTER 6. EXIT AND STAIRWAY SIGNS IN HOTELS, ETC.

19700. The owner, lessee, manager or other person in control or in charge of any hotel, lodging house, or rooming house shall place and maintain in conspicuous places in the halls of the building signs directing the way to exits and stairways. He shall also post notices in a conspicuous place in each room giving location of and direction to nearest fire escape or other safety exit. Signs and  
notices

(Amended by Stats. 1947, Ch. 110.)

19702. Any person who violates this chapter is guilty of a misdemeanor punishable by a fine not exceeding one hundred dollars (\$100), or by imprisonment not exceeding three months, or by both. Penalty

#### CHAPTER 7. REFRIGERANTS AND REFRIGERATION PLANTS

(Chapter 7 added by Stats. 1941, Ch. 987)

19800. Refrigeration manufacturers shall hereafter on each mechanical refrigerator and refrigeration plant which they manufacture and installation companies shall on each refrigeration plant which they install place a label designating the type of refrigerant the unit uses and, if the refrigerator has a refrigerating unit which contains more than 20 pounds of refrigerant and is of a type which can not readily be transported without disconnecting the piping or other part thereof containing refrigerant, shall label the control and diffusion valves of the unit, if any, so that any person in case of emergency will be able to turn off or shut down the plant or refrigerator quickly and expeditiously. Each violation of this section is a misdemeanor. Refrigeration

(Added by Stats. 1941, Ch. 987.)

## CHAPTER 8. INFLAMMABLE OR EXPLOSIVE MATERIALS

(Chapter 8 added by Stats. 1945, Ch. 20)

"Article" 19810. (a) "Article" as used in this chapter means and includes any article of wearing apparel, cloth, drapery or other fabric or material made from or containing any natural or synthetic fiber.

"Vendor" (b) "Vendor" as used in this chapter means any individual, firm or corporation engaged in the manufacture for sale or the sale of articles as herein defined.

"Inflam-  
mable  
article" (c) "Inflammable article" as used in this chapter is any article made from or containing natural or synthetic fiber and determined by the Fire Marshal to be so highly inflammable as to constitute a dangerous risk of fire and hazard of injury to persons and property, taking into consideration the use or uses for which the article is made and designed to serve.

"Use of  
inflammable  
fibers" (d) It has recently come to notice that of the various natural or synthetic fibers adapted and adaptable for use in the making of articles, as herein defined, some are so inflammable as to constitute a dangerous risk of fire and hazard of injury to persons and property. Provision should be made for the avoidance of such risks and hazards by preventing the use of such highly inflammable fibers. It is not feasible by statute to prescribe more specific tests than those herein prescribed, for it would appear that none such have yet been fully developed. It is necessary, therefore, to commit to the State Fire Marshal the conduct of research in these matters, the development of tests for these materials, and the administration of the provisions of this chapter for the prevention of the risks and the avoidance of the hazards described.

Research  
and tests

(Added by Stats. 1945, Ch. 20; repealed and added by Stats. 1945, Ch. 728; amended by Stats. 1947, Ch. 793.)

Fire Mar-  
shal: Investi-  
gations 19811. The Fire Marshal of the State of California or any Deputy State Fire Marshal has right of access to the premises of any vendor during business hours for the purpose of determining whether inflammable articles are being manufactured or offered for sale therein and may take either an entire article or samples thereof in such quantities as may be necessary for analysis.

(Added by Stats. 1945, Ch. 20; repealed and added by Stats. 1945, Ch. 728.)

Tests of  
articles or  
samples

19812. Any article or samples taken under the provisions of Section 19811 hereof shall be subjected to tests by the Fire Marshal and determination made by him as to whether or not the article or samples are inflammable articles as defined in Section 19810.

(Added by Stats. 1945, Ch. 728.)

19813. The State Fire Marshal may make such rules and regulations relating to inflammable articles as defined in Section 19810 as may reasonably be necessary to effectuate the purposes of this act and prevent the risk of fire and avoid the hazards of injury to life and property in this chapter described. He shall mail copies of all rules and regulations and amendments thereto to all vendors and trade associations filing a written request for such notification with him.

Rules and  
regulations

(Added by Stats. 1945, Ch. 728.)

19814. Any inflammable article in the possession of any vendor in violation of the rules or regulations of the State Fire Marshal shall be subject to seizure by the State Fire Marshal or any Deputy State Fire Marshal. Any inflammable article seized under this section may be disposed of by the State Fire Marshal by summary destruction at any time subsequent to 30 days from such seizure or 10 days from the final termination of proceedings under the provision of Section 19815, whichever is the later.

Seizure of  
inflammable  
articles

(Added by Stats. 1945, Ch. 728.)

19815. Any vendor whose property is seized under the provisions of Section 19814 may within 10 days after such seizure petition the State Fire Marshal to return the property seized upon the ground that such property was illegally or erroneously seized. Any petition filed hereunder shall be considered by the State Fire Marshal within 60 days after filing and an oral hearing granted the petitioner if requested. Notice of the decision of the Fire Marshal shall be served upon the petitioner. The Fire Marshal may order the property seized under this act disposed of or returned to the petitioner if illegally or erroneously seized. The determination of the Fire Marshal is final unless within 60 days an action is commenced in a court of competent jurisdiction in the State of California for the recovery of the property seized by the Fire Marshal.

Return of  
seized  
articles

(Added by Stats. 1945, Ch. 728.)

19816. Any vendor who knowingly and wilfully violates any rule or regulation of the Fire Marshal relating to inflammable articles shall be guilty of a misdemeanor.

Penalty

(Added by Stats. 1945, Ch. 728.)

NOTE: Stats. 1945, Ch. 728, also contained the following provision:

SEC. 9. If any section, subsection, clause, sentence or phrase of this act which is reasonably separable from the remaining portions of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed the remaining portions of this act, irrespective of the fact that any such section, subsection, clause, sentence or phrase of this act be declared unconstitutional.

## CHAPTER 9. LOCAL BUILDING REGULATIONS

(Chapter 9 added by Stats. 1951, Ch. 1285)

19825. (a) The provisions of Part 1 of this division and of Chapter 1, Chapter 2 and Chapter 3 of Part 3 of this division relating to design, construction, reconstruction, movement, conversion or alteration of buildings shall not apply within any city

Application  
of provisions



having and enforcing a local ordinance prescribing minimum standards equal to or greater than such provisions of this division; provided, however, such provisions of Part 1 of this division, which are presently applicable to buildings erected prior to the adoption of a local ordinance, shall apply to such buildings.

(b) No provision of this chapter shall be construed to authorize a reduction in or exemption from the provisions of Chapters 3 and 4 of Part 1 of this division or a reduction in the maintenance, sanitation or occupancy provisions of Part 1 of this division.

(c) The provisions of this chapter shall be effective only in a city where the legislative body determines that an ordinance described in subdivision (a) of this section is in force and effect and so notifies the state department presently charged with enforcement of the provisions of this division if a state department be so charged.

(Added by Stats. 1951, Ch. 1285.)

## DIVISION 14. POLICE PROTECTION

### PART 1. POLICE PROTECTION DISTRICTS

#### CHAPTER 1. IN UNINCORPORATED TOWNS

##### Article 1. Definitions and General Provisions

- "District" 20000. "District," as used in this chapter, means a police protection district formed pursuant to this chapter or pursuant to any law which it supersedes.
- "Board" 20001. "Board," as used in this chapter, means the board of supervisors of the county in which it is proposed to form a district, or in which a district has been formed.
- "District board" 20002. "District board," as used in this chapter, means the board of police commissioners of a district.
- "Commissioner" 20003. "Commissioner," as used in this chapter, means a member of the district board.
- Reference 20004. Any reference in this chapter to a county or county officer is a reference to the county or officer of the county in which a district is situated.
- Errors, etc. 20005. No tax levied, assessed, or collected, and no election held, pursuant to this chapter is illegal, void, or voidable on account of any error, omission, or informality, or failure to comply strictly with this chapter.
- "Precinct area" 20006. A "precinct area" as used in this chapter means, with respect to the proceedings for the formation of an unincorporated town as a police protection district, an election precinct or such portion thereof as is located within the boundary of such town at the time that the petition for the formation of that town as a police protection district is presented to the board.

(Added by Stats. 1949, Ch. 1524.)

## Article 2. Petition and Formation

(Article heading amended by Stats. 1951, Ch. 896)

20025. Any unincorporated town may, pursuant to this article, be formed into a district for equipping, and maintaining a police department, or for otherwise securing police protection, to protect and safeguard life and property.

Area of  
formation

(Amended by Stats. 1949, Ch. 1524.)

20026. Proceedings for the formation of a district are initiated whenever 50 or more persons who are taxpayers and residents of an unincorporated town present a petition to, and at a regular meeting of, the board of the county in which the town is situated.

Petition

The petition shall contain:

Contents

(a) A statement of the name and boundaries of the proposed district.

(b) A request for the formation of the district.

20027. The board shall fix a time and place for hearing the petition and all protests against it. The hearing shall be not less than 25 nor more than 30 days after the date of the presentation of the petition.

Time of  
hearing

20028. At least seven days before the date set for the hearing, the clerk of the board shall post notices of the presentation and hearing of the petition in three of the most public places in the proposed district. The notices shall be headed, "Notice of the Proposed Formation of ----- Police Protection District" (stating the name of the proposed district), in letters not less than one inch in height. They shall set forth in legible characters:

Notice:  
Posting

(a) The fact and date of the presentation of the petition.

(b) The time and place set for hearing the petition and protests.

(c) The boundaries of the proposed district.

(d) A reference to the petition for further particulars.

20029. The clerk of the board shall also publish a notice, similar in substance to the notices required to be posted, at least once a week for two consecutive weeks in a newspaper of general circulation printed and published in the county in which the proposed district is situated and designated by the board. The publication during the second week shall be made at least seven days before the date set for the hearing.

Publication

20030. Any person interested in the proposed district who has any objection to its formation or extent, or to the inclusion of his property, may file a written protest setting forth his objection with the clerk of the board at or before the time set for hearing the petition.

Protests

The clerk shall note on each protest the date of its receipt by him, and shall present the protest to the board at the time fixed for the hearing.

20031. The board shall hear and pass upon the petition and every protest at the time fixed in the notices of hearing, or at any time to which the hearing may be continued.

Hearing

- Boundaries**      20032. If any protest filed sets forth an objection to the extent of, or the inclusion of property in, the proposed district, the board at the hearing shall define and establish the boundaries. To that end, it may make such changes in the proposed boundaries of the district as it finds are proper and advisable. However, it shall not:
- (a) Extend the proposed boundaries.
  - (b) Modify the proposed boundaries so as to exclude from the district any territory which will be substantially benefited by the district.
  - (c) Include any territory which will not, in its judgment, be benefited by the district.
  - (d) Include any precinct area when two-thirds of the persons who are registered voters therein petition the board to exclude that area.
- (Amended by Stats. 1949, Ch. 1524.)
- Petition**      20032.1. In the event that two-thirds of the persons who are registered voters in one or more precinct areas within the proposed district, petition the board to exclude their precinct area or precinct areas pursuant to Section 20032, the board shall thereupon determine whether the remaining precinct areas in the proposed district would constitute a feasible unit for a district.
- Determination**      (a) If the board determines that the remaining precinct areas would constitute a feasible unit for a district, it shall proceed in accordance with this chapter.
- Rejection of petition**      (b) If the board determines that the remaining precinct areas would not constitute a feasible unit for a district, it may reject the formation petition and all proceedings thereupon shall be terminated.
- (Added by Stats. 1949, Ch. 1524.)
- Jurisdiction to proceed**      20033. The board acquires jurisdiction to proceed further pursuant to this chapter at the time fixed for the hearing of the petition, if no protest is filed; or after the boundaries of the proposed district are defined and established, if a protest is filed.
- Election**      20034. Within 30 days after acquiring jurisdiction to proceed further, the board shall by resolution call an election as provided in Article 2.5 of this chapter.
- (Amended by Stats. 1951, Ch. 896.)
20035. (Repealed by Stats. 1951, Ch. 896.)
- Order establishing district**      20036. The order establishing the district shall be entered in the minutes of the board and shall be prima facie evidence of:
- (a) The presentation of a proper petition to the board.
  - (b) The fact that at the time he signed the petition and at the time of its presentation each petitioner was a taxpayer and resident of the territory occupied by the district.
  - (c) The fact and regularity of all prior proceedings required by this article.
- (Amended by Stats. 1951, Ch. 896.)
20037. (Repealed by Stats. 1951, Ch. 896.)



## Article 2.5. Election on Formation

(Article 2.5 added by Stats. 1951, Ch. 896)

20040. The board shall call and give notice of an election to be held in the proposed district to determine whether the district shall be formed, and to elect the commissioners who shall serve as the first district board. Election

(Added by Stats. 1951, Ch. 896.)

20041. The notice of the formation election shall contain: Notice:  
Contents

(a) The date of the election.

(b) A description of the boundaries of the proposed district.

(c) The name of the proposed police protection district, which shall contain the words "Police Protection District of \_\_\_\_\_ County" (stating the name of the county in which the district is to be located).

(d) A statement that the commissioners who will serve as the first district board will be elected.

(Added by Stats. 1951, Ch. 896.)

20042. The county clerk shall publish the notice of election once a week for at least two weeks prior to the formation election, in a newspaper printed and published in the district, if any, and if none, shall give such notice by posting the notice in three public places within the district for at least three weeks immediately preceding the election. Same:  
Publication

(Added by Stats. 1951, Ch. 896.)

20043. At the formation election the first directors shall be elected and the following measure shall be submitted: "Shall the proposition to form \_\_\_\_\_ Police Protection District of \_\_\_\_\_ County be adopted?" Same:  
Question

(Added by Stats. 1951, Ch. 896.)

20044. No person shall be a candidate for the district board unless he is a resident within the boundaries of the proposed district. Qualifica-  
tions of  
candidates

(Added by Stats. 1951, Ch. 896.)

20045. The election shall be conducted, candidates nominated, the votes canvassed, and the results declared as provided by the Elections Code for election of county officers, insofar as applicable and not inconsistent with this chapter. Each person voting at the formation election shall be entitled to cast three votes for candidates for members of the first district board. The three candidates receiving the highest number of votes shall be elected as the first district board if the district is formed. Election law

(Added by Stats. 1951, Ch. 896.)

20046. If a majority of votes cast are in favor of forming the district, the board of supervisors shall by an order entered on its minutes declare the district formed under the name designated for it. Order of  
formation

(Added by Stats. 1951, Ch. 896.)

20047. No person is entitled to vote on the question of formation of a district, or for the first board of commissioners, unless such person is a voter within the meaning of the Elections Voter  
qualification

Code, and a resident within the boundaries of the proposed district.

(Added by Stats. 1951, Ch. 896.)

## Article 2.6. Annexation

(Article 2.6 added by Stats. 1951, Ch. 896)

**Territory subject to annexation** 20050. Any territory which is not a part of another police protection district, and which is contiguous to an existing district in the same county, may be annexed to that district.

(Added by Stats. 1951, Ch. 896.)

**Petition:** 20051. Proceedings for annexation of territory to a district shall be initiated by filing with the board a petition signed by at least 10 percent of the qualified electors residing in the territory proposed to be annexed. Such petition shall designate specifically the boundaries of the territory proposed to be annexed, state its assessed valuation as shown by the last equalized assessment roll, and request that the territory be annexed to the district.

(Added by Stats. 1951, Ch. 896.)

**Publication** 20052. The petition shall be published at least once each week for two weeks in a newspaper of general circulation within the county, together with a notice stating the time and place at which the petition will be presented to the board and that all persons interested may appear and be heard.

(Added by Stats. 1951, Ch. 896.)

**Hearing** 20053. At the time specified for the hearing the board shall hear the petition and may adjourn the hearing from time to time. The board shall not modify the boundaries of the territory proposed to be annexed as set forth in the petition so as to exclude any area that would be benefited by annexation to the district, nor shall any area that will not be benefited by annexation be included within the boundaries of the territory proposed to be annexed.

(Added by Stats. 1951, Ch. 896.)

**Order of approval** 20054. Upon the final hearing of the petition the board, if it approves the petition as originally presented or in a modified form, shall make an order describing the exterior boundaries of the territory proposed to be annexed and ordering that an election be held for the purpose of determining whether or not the territory shall be annexed to the district.

(Added by Stats. 1951, Ch. 896.)

**Election date** 20055. The order shall fix the day of the election, which shall be within 60 days from the date of the order, and shall show the boundaries of the territory proposed to be annexed to the district. This order shall be entered in the minutes and is conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was at the time of the signing and presentation of the petition qualified to sign.

(Added by Stats. 1951, Ch. 896.)

**Evidence of order**

20056. If a majority of the votes in the district and a majority of the votes in the territory proposed to be annexed are in favor of annexation, the board shall by resolution make an order annexing the territory to the district. The order shall be entered in the minutes of the board and be prima facie evidence of regularity of all prior proceedings relating to the annexation. Approval  
Evidence of order

(Added by Stats. 1951, Ch. 896.)

20057. If the result of the election is against annexation the board shall, by order, disapprove the petition and enter the order in its minutes. No other proceedings shall be taken in relation thereto until the expiration of one year from the presentation of the petition. Disapproval

(Added by Stats. 1951, Ch. 896.)

### Article 3. Administration

20060. A district shall be governed by a district board of three commissioners, each of whom shall be a resident of the district. Board

20061. Each of such commissioners shall hold office until his successor is elected and has qualified pursuant to this article. Terms

(Amended by Stats. 1951, Ch. 896.)

20062. The commissioners first elected shall at their first meeting so classify themselves by lot that one of their number shall go out of office on the second Monday of April of the year next succeeding the election; one on the second Monday of April of the second year succeeding the election; and one on the second Monday of April of the third year succeeding the election. Same:  
Staggering

(Amended by Stats. 1951, Ch. 896.)

20063. On the first Monday of April of the year next succeeding the first election, and on the first Monday of April annually thereafter, one commissioner shall be elected for a term commencing on the next succeeding Monday in the same month and terminating at the end of three years and when his successor is elected and has qualified. Annual election

20064. Except as otherwise provided in this article, an election for a commissioner shall be conducted pursuant to the general election laws of the State. Election law

20065. The district board shall call an election and shall post notices of the election in three public places within the district for at least two weeks before the day of the election. Notices

(Amended by Stats. 1951, Ch. 896.)

20066. The district board shall appoint judges of election to conduct the election. Within 24 hours after the election, the judges of election shall report and certify to the district board the number of votes cast for each person voted for. Judges

20067. Within five days after it receives the returns from the judges of the election, the district board shall canvass the returns, determine who has been elected, and forthwith issue a certificate of election to each person elected. Canvass of returns



Vacancy	20068. A vacancy occurring in the office of an elected commissioner shall be filled by an appointment of the board.
Compensation	20069. Every commissioner shall serve without compensation.
Rules and regulations	20070. The district board shall adopt all rules and regulations necessary for the administration, operation, and maintenance of the district.
Employees	20071. The district board shall determine the number of employees, if any, necessary for the proper care and protection of the life and property of residents in the district. It shall appoint all district employees and prescribe their duties and compensation. All such employees shall hold their positions at the pleasure of the district board.
Contracts	20071.5. The district may contract with a municipality within the county in which the district is located or with the county for the furnishing of police protection service by any police agency of the municipality or county. (Added by Stats. 1949, Ch. 1524.)
Police station	20072. For the purpose of housing its police equipment and apparatus, the district board may acquire land and erect a police station; or acquire land on which a police station, or a building suitable for a police station, has been erected.
Submission to voters	20073. Before acquiring any real property for a police station, the district board may submit to the voters in the district at a special election, or at the annual election for a commissioner, the proposition whether or not land shall be acquired and a police station built thereon; or whether or not land on which a police station, or a building suitable for a police station, has been erected shall be acquired. The approval or disapproval of the voters shall be binding upon the district board.
Title to property	20074. All real property for a police station acquired pursuant to this article shall be conveyed to and held in the name of the "Board of Police Commissioners of the Police Protection District -----" (naming the district).
Payment for property	20075. The district board may pay for any real property it acquires for a police station out of money derived from the annual district tax, or out of money derived from a special tax approved by the voters in the district at an election. The procedure and conduct of an election for the approval of a special tax shall conform to that specified in this chapter for the approval of a special tax for the establishment and equipment of a police department.
Disposal of property	20076. The district board may dispose of any real property acquired for a police station. The disposition shall, however, be first approved by the voters in the district at an election, if the property was acquired pursuant to their approval at an election. The proceeds from the disposition shall be exclusively devoted to the purchase of other real property.
Contracts	20077. The district board may make and award contracts and may sue and be sued in the name of the district.

20078. The district board shall keep a correct record of all its acts and proceedings, and of all its receipts and disbursements. For that purpose, it shall procure all necessary books and blanks. Records

The books of the district board shall be open to public inspection at all times.

20079. Each commissioner shall, at the expiration of his term of office, turn over to his successor all books and documents in his possession belonging to the district board and take a receipt therefor. Books and documents

20080. All accounts, bills, and demands against the district shall be audited, allowed, and paid by the district board by warrants of the county auditor drawn on the county treasurer upon orders of the district board. The county treasurer shall honor the warrants in the order in which they are presented. Payment of bills

20081. In addition to the duties specified in this chapter, the district board shall perform such other duties as are proper and necessary to carry out this part. Other duties

#### Article 4. Taxation

20101. The district board shall call an election at which it shall submit to the voters in the district the question whether a special tax shall be levied for establishing and equipping a police department for the protection of life and property in the district. Special tax election

20102. The election shall be called by posting notices in three of the most public places in the district for not less than 10 days; and if there is a newspaper printed and published in the district, by publishing a notice in at least two regular issues of the newspaper. Notice

20103. The notice shall specify the time and place of the election, and the amount required for the establishment and equipment of the police department. Contents

20104. The ballots used at the election shall contain the words "Tax—Yes," and "Tax—No." Ballots

20105. The district board shall appoint three judges and two clerks to conduct the election. The election shall be conducted as far as practicable pursuant to the general election law; but neither a new register nor legal ballot paper is required, and the polls may be opened at 8 o'clock a.m., and closed at 5 o'clock p.m. on the day of the election. Conduct of election

20106. Within twenty-four hours after the election, the judges of the election shall report and certify to the district board the number of votes cast for and against the tax. Vote report

20107. If the majority of the votes cast are in favor of the tax, the district board shall report to the board the amount of money authorized to be raised. Report to board

20108. The district board shall make an annual estimate of the amount of money required during the ensuing fiscal year for the maintenance of any police department established in the district, and for the cost of any other thing Annual estimate

necessary for carrying out this part; and shall submit it to the board not later than the first day of July of each year.

**Annual tax** 20109. At the time of levying the county taxes, the board shall levy a tax upon all the taxable property in the district sufficient to raise any amount reported to it pursuant to this article by the district board. The rate of the tax shall be ascertained by first deducting 15 per cent for anticipated delinquencies from the aggregate assessed value of the property appearing on the county assessment roll, and then dividing the amount reported by the remainder of the aggregate assessed value. The tax shall be computed and entered on the assessment roll by the county auditor and collected at the same time and in the same manner as county taxes.

**Limit:  
Special tax** 20110. Any amount of money raised for the establishment and equipment of a police station in a district by a special tax levied pursuant to this article shall not exceed in any one year 1 per cent of the assessed value of the taxable property in the district.

**Annual tax** 20111. Any amount of money raised for the maintenance of a police department in a district by an annual tax levied pursuant to this article shall not exceed in any one year one-half of 1 per cent of the assessed value of the taxable property in the district.

**Disposition  
of money** 20112. All money collected pursuant to this article shall be paid into the county treasury for the use of the district. The county treasurer shall pay it out on warrants of the county auditor drawn on the county treasurer upon orders of the district board.

**County  
treasurer** 20113. The county treasurer shall not receive any compensation for performing duties relating to the receipt and disbursement of money collected pursuant to this article.

#### Article 4.5. Exclusion

(Article 4.5 added by Stats. 1949, Ch. 1524)

**Petition** 20120. The majority of the persons who are registered voters in a precinct area that is included in the district may file with the board a petition praying that the precinct area be excluded from the district.

(Added by Stats. 1949, Ch. 1524.)

**Acknowledgment** 20120.1. The petition shall be acknowledged.

(Added by Stats. 1949, Ch. 1524.)

**Contents** 20120.2. The petition shall set forth all of the following:  
(a) The reasons why it is claimed that the precinct area should be excluded.

(b) A description of the precinct area.

(Added by Stats. 1949, Ch. 1524.)

**Order of  
board** 20120.3. Upon receipt of a petition for exclusion, the board shall order the exclusion of the petitioning precinct area.

(Added by Stats. 1949, Ch. 1524.)



20121. When the board excludes any precinct area from a district, the board shall make an entry in its minutes describing the change so that the new boundary of the district can be ascertained. Entry in minutes

(Added by Stats. 1949, Ch. 1524.)

20121.1. A certified copy of the entry in the minutes of the board excluding any precinct area shall be filed for records in the county recorder's office. Certified copy

(Added by Stats. 1949, Ch. 1524.)

20121.2. No exclusion of a precinct area from any district impairs its existence, its rights, including those in or to property, or its obligations. Impairment

(Added by Stats. 1949, Ch. 1524.)

20121.3. If the precinct area excluded from any district embraces the property of a commissioner, the office of such commissioner shall be vacant at the expiration of 10 days from the final order of the board excluding the precinct area. The vacancy shall be filled by appointment by the board and the appointee shall hold office for the unexpired term of the commissioner whose office has been vacated. Vacancy

(Added by Stats. 1949, Ch. 1524.)

20121.4. A precinct area excluded from a district shall be subject to taxation and be otherwise chargeable for the payment and discharge of all of the obligations outstanding at the time of the filing of the petition for the exclusion of the area as fully as though the area had not been excluded. Outstanding obligations

(Added by Stats. 1949, Ch. 1524.)

20121.5. For the purpose of discharging the obligations outstanding at the time of the filing of the petition for its exclusion, a precinct area excluded shall be considered as part of the district the same as though the area had not been excluded. Discharge of obligations

(Added by Stats. 1949, Ch. 1524.)

20121.6. An excluded precinct area is not subject to tax or otherwise chargeable for any obligation of any nature or kind incurred after the filing with the board of the petition for the exclusion of the precinct area from the district. Tax exemption

(Added by Stats. 1949, Ch. 1524.)

## Article 5. Dissolution

20130. Any district may be dissolved by the board pursuant to this article. Dissolution

20131. Proceedings for the dissolution of a district are initiated whenever a petition requesting dissolution and signed by fifty or more persons who are registered voters in the district, or by a majority of persons who are registered voters in the district, whichever number is the lesser, is filed with the board. Petition

(Amended by Stats. 1949, Ch. 1524.)

20132. The board shall fix a time for hearing the petition on a date not less than 10 nor more than 30 days after the receipt of the petition. Time of hearing

- Notice** 20133. The board shall publish a notice of the hearing at least a week prior to the time fixed therefor by one insertion in a newspaper of general circulation published in the district; or in a newspaper published in the county in which the district is located, if there is no newspaper published in the district.
- Hearing** 20134. At the time fixed for the hearing, or at any time to which the hearing may be continued, the board shall hear and pass upon the petition and all objections to it made by persons interested. The board shall either deny the petition, or adopt a resolution calling an election upon the proposition of dissolving the district.
- Election resolution** 20135. A resolution calling a dissolution election shall:
- (a) Specify the date of the election, which shall be held not less than 20 days after the adoption of the resolution.
  - (b) Designate one or more election precincts within the district.
  - (c) Designate a polling place in each precinct.
  - (d) Designate the names of one judge, one inspector, and one clerk for each precinct, to act as election officers.
- Election law** 20136. In any particular not recited in the resolution, the election shall be held pursuant to the law governing the holding of general elections in the county.
- Publication** 20137. The resolution shall be published once a week for two successive weeks prior to the date set for the election in a newspaper of general circulation published in the district; or if there is no newspaper published in the district, in a newspaper published in the county in which the district is located and considered by the board to be the one most likely to give notice of the election to the voters. The resolution shall also be posted in three of the most public places in the district at least 10 days prior to the date set for the election.
- Posting** The only notice of the election required is that specified in this section.
- Ballots** 20138. The ballots used at the election shall state in substance the following proposition:
- “Shall the ----- Police Protection District in ----- County be Dissolved?” (stating the name of the district and the name of the county in which it is located).
- Opposite the stated proposition shall be printed the words “Yes” and “No,” together with voting squares.
- Electors** 20139. Any resident of the district entitled to vote at a general election may vote at the election on the proposition of dissolution.
- Result** 20140. If a majority of the votes cast at the election are in favor of dissolution, the board shall enter a finding to that effect upon its minutes, and thereafter the district is dissolved.
- Vesting of property** 20141. Upon the dissolution of a district any property of the district then lying within any city vests absolutely in that city; and any property then lying outside a city vests absolutely in the county.

20142. The funds of a district on hand at the time of dissolution shall be divided between each city in which the property of the district then lies and the county, in the proportion that the total assessed value of the real property of the district in each city and of the real property outside a city bears to the total assessed value of all the real property in the district. The assessed value of the property shall be determined by a reference to the last equalized assessment roll of the county prior to the dissolution. Division of funds

20143. The property and funds reverting to a county pursuant to this article shall be used for general police protection purposes in the county. Use of property and funds

## CHAPTER 2. IN UNINCORPORATED TERRITORY

### Article 1. Definitions

20300. "District," as used in this chapter, means a police protection district formed pursuant to this chapter or pursuant to any law which it supersedes. "District"

20301. "Board," as used in this chapter, means the board of supervisors of the county in which it is proposed to form a district, or in which a district has been formed. "Board"

### Article 2. Formation

20310. Any unincorporated territory may, pursuant to this article, be formed into a district for equipping and maintaining a police department to protect and safeguard life and property. Area of formation

20311. Proceedings for the formation of a district are initiated whenever 51 per cent or more of the persons who are taxpayers and residents of unincorporated territory present a petition to, and at a regular meeting of, the board of the county in which the territory is situated. Petition

The petition shall contain:

(a) A statement of the name and boundaries of the proposed district.

(b) A request for the formation of the district.

20312. The board shall fix a time for hearing the petition and all protests against it. The hearing shall be not less than 25 nor more than 30 days after the date of the presentation of the petition. Time of hearing

20313. The clerk of the board shall post notices of the hearing in three public places in the proposed district. The notices shall set forth: Notice: Posting

(a) The fact that a petition requesting the formation of a district has been presented.

(b) The proposed name and the boundaries of the district.

20314. A notice, similar to the notices required to be posted, shall be published at least once a week for two consecutive weeks in a newspaper of general circulation published in the county in which the proposed district is situated. Publication



- Protests** 20315. At the hearing any person interested in the proposed district may file a written protest against its formation or extent, or against the inclusion of his property in the district.
- Boundaries** 20316. The board may make such changes in the proposed boundaries of the district as it finds are advisable. However, it shall not:
- (a) Extend the proposed boundaries.
  - (b) Modify the proposed boundaries so as to exclude from the district any territory which will be benefited by the district.
  - (c) Include any territory which will not be benefited by the district.
- Determination** 20317. If, at the hearing, the board determines that the formation of the proposed district will be for the best interests of the unincorporated territory concerned, it shall form the district by a resolution describing its boundaries and giving it a name.

### Article 3. Administration and Taxation

- Directors** 20330. The members of the board are ex officio directors of the district.
- Powers** 20331. The board may perform all acts necessary to provide adequate police protection in the district.
- Annual tax** 20332. The board may levy a tax on property in the district sufficient to raise a sum not in excess of three thousand six hundred dollars (\$3,600) per annum. The tax shall be levied and collected in the same manner and by the same officers as in the case of county general property taxes.
- (Amended by Stats. 1945, Ch. 1091.)

## PART 2. MISCELLANEOUS

### CHAPTER 1. PROTECTION AT PUBLIC MEETINGS

- Public meetings** 20500. The mayor or other officer in control of the police force in a city shall direct a sufficient number of policemen to attend and keep order at any public meeting in the city at which, in his opinion, a breach of the peace may occur.

## DIVISION 15. POISONS

(Div. 15 added by Stats. 1947, Ch. 199, as part of codification)

### CHAPTER 1. DEFINITIONS

- Definitions** 20700. Definitions of terms in this division apply to this division only.
- "Board"** 20701. "Board" means the California State Board of Pharmacy.
- "Dentist," etc.** 20702. "Dentist," "pharmacist," "chiroprapist," and "veterinary surgeon" mean persons who hold valid, unrevoked certificates to practice these respective professions in this State, issued by their respective examining boards in California.

"Physician" means any person holding a valid and unrevoked physician's and surgeon's certificate, or certificate to practice medicine and surgery, issued by the Board of Medical Examiners or the Board of Osteopathic Examiners of the State.

20703. "Poison" means and includes the compositions of the following schedules:

Schedule "A":

Schedule  
"A"

- (a) Arsenic compounds and preparations;
- (b) Cyanides and preparations, including hydrocyanic acid;
- (c) Fluorides soluble in water, and preparations;
- (d) Mercury compounds and preparations, except preparations made and labeled for external use only and containing not more than five-tenths percent (0.5%) total mercury, and except ointments or soaps containing not more than two percent (2.0%) total mercury or not more than ten percent (10.0%) ammonium mercuric chloride or mercuric oxide;
- (e) Phosphorus and preparations;
- (f) Thallium compounds and preparations;
- (g) Aconite, belladonna, cantharides, cocculus, conium, digitalis, gelsemium, hyoscyamus, nux vomica, santonica, stramonium, strophanthus, veratrum, or their contained or derived active compounds and preparations, except preparations made and labeled for external use only, and except preparations containing not more than four-thousandths percent (0.004%) total belladonna alkaloids or not more than two-hundredths percent (0.02%) total nux vomica alkaloids, and except preparations in dosage forms each containing not more than two-tenths milligram (0.20 mg.) total belladonna alkaloids or not more than one milligram (1.0 mg.) total nux vomica alkaloids;

- (h) Zinc phosphide and preparations;
- (i) Sodium fluoroacetate and preparations.

Schedule "B":

Schedule  
"B"

- (a) Antimony, barium, copper, lead, silver or zinc compounds soluble in water, and preparations containing five percent (5.0%) or more of these compounds;
- (b) Bromine or iodine and preparations;
- (c) Hypochlorous acid, free or combined, and preparations that yield ten percent (10.0%) or more of available chlorine, excepting chloride of lime or bleaching powder;
- (d) Permanganates soluble in water, and preparations containing five percent (5.0%) or more of these compounds;
- (e) Nitric acid and preparations containing five percent (5.0%) or more of the free acid;
- (f) Hydrochloric, hydrobromic or sulfuric acids and preparations containing ten percent (10.0%) or more of the free acids;
- (g) Oxalic acid or oxalates, and preparations containing ten percent (10.0%) or more of these compounds;
- (h) Acetic acid and preparations containing twenty percent (20.0%) or more of the free acid;

(i) Potassium or sodium hydroxides, and preparations containing ten percent (10.0%) or more of the free alkalies;

(j) Ammonia solutions or ammonium hydroxide, and preparations containing five percent (5.0%) or more of free ammonia;

(k) Chloroform or ether, and preparations containing five percent (5.0%) or more of these compounds, except preparations made and labeled for external use only;

(l) Methyl alcohol or formaldehyde, and preparations containing one percent (1.0%) or more of these compounds, except when used as a preservative and not sold to the general public;

(m) Phenol or carbolic acid, cresols or other phenol derivatives, soluble in water, and preparations containing five percent (5.0%) or more of these compounds;

(n) Nitroglycerine and nitrites;

(o) Nicotine and preparations containing nicotine expressed as alkaloid more than two percent (2.0%);

(p) Ergot, cottonroot, pennyroyal and larkspur, or their contained or derived active compounds or mixtures thereof.

Schedule  
"C"

Schedule "C":

(a) Carbon tetrachloride.

(Repealed and added by Stats. 1947, Ch. 1141; amended by Stats. 1949, Ch. 1195 and by Stats. 1951, Ch. 425.)

## CHAPTER 2. REGULATION OF SALE

Sale, etc.,  
of poisons

20750. (Amended and renumbered 20751 by Stats. 1947, Ch. 1141.)

20751. It is unlawful for any person to vend, sell, give away or furnish, either directly or indirectly, any poisons enumerated in Schedule "A," "B" and "C" in Section 20703, unless there is affixed a poison label to the package, box, bottle, or paper in which the "A" or "B" poison is contained and a caution label affixed to the package, box, bottle or paper in which the "C" poison is contained. The poison or caution label shall be substantially in the form provided in this chapter.

(Formerly 20750. Amended and renumbered by Stats. 1947, Ch. 1141; amended by Stats. 1949, Ch. 1195.)

Same

20752. It is unlawful to sell or deliver any poison named in Schedule "A" or any other poison, which may from time to time be designated by the board, unless on inquiry it is found that the person desiring it is aware of its poisonous character, and it satisfactorily appears that it is to be used for a legitimate purpose.

(Repealed by Stats. 1947, Ch. 1141. Present 20752 was formerly 20751. Amended and renumbered by Stats. 1947, Ch. 1141.)

Chemical  
examination

20752.5. Any person who makes a chemical examination of any tissue, organ or body fluid of man or animal, or of any food or drink, within the State of California, and finds the presence of poison, must, within 30 days, furnish the California State Board of Pharmacy with the name of the poison, the name of the food or drink in which poison was found, the name and address



of the person so poisoned, or the kind of animal so poisoned together with the name and address of the owner of said animal. Any person who fails to comply with any of the provisions of this section or who falsely makes or withholds such report shall be guilty of a misdemeanor as prescribed by law.

(Added by Stats. 1947, Ch. 1141.)

20753. No poison enumerated in Schedules "A" and "B" in Section 20703 shall be sold or delivered to any person who is less than eighteen years of age.

(Amended by Stats. 1949, Ch. 1195.)

20754. It is unlawful for any person to give a fictitious name or make any false representations to the seller or dealer when buying any of the poisons enumerated in Section 20703, except that this prohibition shall not apply to an officer or inspector of the board in the performance of the duties enjoined by law upon the board, or to any person acting under authority of the board in the performance of its duties.

20755. It is unlawful to sell or deliver any poison included in Schedule "A" or the additions thereto, without making or causing to be made, at the time of sale, an entry in a poison book kept solely for that purpose, stating the date and hour of sale, and the name, address and signature of the purchaser, the name and quantity of the poison sold, the statement by the purchaser of the purpose for which it is required, and the name of the dispenser, who shall be a registered pharmacist. The entry shall be made out in full, in ink by the dispenser himself, before the purchaser affixes his signature.

20756. The poison book shall be in form substantially as follows:

Date and hour	Name of purchaser	Residence	Kind and quantity	Purpose of use	Signature of pharmacist	Signature of purchaser
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This book shall always be open for inspection by the proper authorities, and shall be preserved for at least five years after the date of the last entry therein.

20757. The poison label required by this chapter to be placed on all packages of poison, shall contain the word "poison" and the "vignette" representing the skull and crossbones, printed upon red paper in distinct white letters, or in distinct red letters upon white paper, and shall contain the name of the article or contents of the package, the name and place of business of the person or firm packaging the poison. The particular label requirement for the antidote adopted by the board for the poison sold (and no other) shall also be upon the poison label or be attached to the package.

(Amended by Stats. 1947, Ch. 1141; and by Stats. 1949, Ch. 1195.)

20758. The entries in the poison book and the printed or written matter required to be placed on the label or the package, shall be in the English language, except that the vendor of said poison may enter them in any foreign language he may desire, in addition to the entry and label in English.

Wholesale  
sales

20759. Wholesale dealers and pharmacists are exempted from the registration of the sale of any poison enumerated in Schedule "A" when it is sold to a registered pharmacist, physician, dentist, chiropodist, or veterinary surgeon, or to a research, teaching, or testing laboratory or other established legitimate user in the chemical and technical arts.

(Amended by Stats. 1947, Ch. 1141.)

Labels

20760. Wholesale dealers and pharmacists shall affix or cause to be affixed to every bottle, box, parcel, or other inclosure of an original package containing any narcotic as defined in Article 1 of Chapter 1 of Division 10 of this code, a suitable label or brand with the word "poison" thereon.

County sales  
for horticultural use

20761. None of the provisions of this division shall be construed to prohibit the sale at cost of any economic poisons by any county through its horticultural commissioner or his deputies when authorized by the board of supervisors, if such economic poisons are to be used for the purpose of controlling insect or other animal pests or noxious weeds or plant diseases and if a record of poison sales is kept by such county officer in accordance with this division.

Exemptions

20762. The provisions of this division do not apply to any sale made upon the prescriptions of a practicing physician, dentist, chiropodist or veterinary surgeon.

Application

20763. None of the provisions of this division shall apply to the furnishing of any ethyl alcohol or preparations thereof that are denatured in accordance with any formula approved for external use by the United States Treasury Bureau of Internal Revenue.

(Added by Stats. 1947, Ch. 1141.)

Same

20764. None of the provisions of this division shall apply to the sale of economic poisons defined in Article 3, Chapter 7 of Division 5 of the Agricultural Code and registered thereunder and sold in an unbroken original container when labeled as specified in Sections 20751 and 20757, except that the provisions shall apply to ant poisons containing more than four-tenths per cent (0.4%) total arsenic and to preparations containing more than two percent (2.0%) total nux vomica alkaloids.

(Added by Stats. 1947, Ch. 1141.)

### CHAPTER 3. ADMINISTRATION

Addition to  
schedules

20800. When in the opinion of the board it is in the interest of the public health, it may further add or deduct compounds or preparations to schedule "A," "B" or "C" after an open hearing following due notification of interested parties, which rules will be applicable to all persons alike.

Adoption  
of rules

Notice of the adoption of rules pursuant to this section shall be given to the public in such manner as the board deems necessary. No person shall be subject to prosecution for violating the rule until the board has given due public notice of its rule. In addition to the public notice of the adoption of such

rules, the board shall give written notice of the adoption of such rules within thirty days after the adoption thereof by sending written notice thereof to all drug stores licensed under Chapter 9 of Division 2 of the Business and Professions Code.

No schedule adopted under the provisions of this division shall apply, except as specifically provided in this division, to any economic poison as defined in Section 1061 of the Agricultural Code.

(Amended by Stats. 1947, Ch. 1141; and by Stats. 1949, Ch. 1195.)

20801. The board shall adopt a schedule of what in their judgment are the most suitable common antidotes for the various poisons usually sold. The board shall have the schedule of antidotes printed and shall forward by mail one copy to each person registered upon their books, and to any other person applying for it. The board may revise and amend the list of antidotes from time to time, as they deem advisable. Antidotes

20802. Printed notice of all additions to the schedules of poisons set forth in this division, and the antidote adopted by the board for each such poison shall be given to all registered pharmacists with the next following renewal of their certificates. Addition to  
schedules

20803. The board shall, upon request, furnish any dealer with a copy of the laws relating to articles, preparations and compounds, the sale of which is prohibited or regulated by this division or the rules of the board. Applicable  
laws

20804. The district attorney of the county wherein the violation is committed, shall, at the request of the board, institute and conduct all actions and prosecutions for violations of the provisions of this division relating to the labeling, sale or use of poisons. Violations

20805. Any person violating any of the provisions of the division is guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500), or by imprisonment for not less than ninety days, and not more than one year, or by both such fine and imprisonment. Penalties

All money, forfeited bail or fines received under the operation of this division shall be sent without delay by the magistrate receiving it, 75 percent to the State Treasurer to be deposited in the State Treasury and 25 percent to the city treasurer of the city, if incorporated, otherwise to the county treasurer of the county in which the prosecution is conducted. Disposition  
of fines

(Amended by Stats. 1949, Ch. 1195.)

20806. Every judge and magistrate who collects fines or forfeitures under this division shall keep a record of the fines or forfeitures, and, upon the imposition of any such fine or forfeiture, shall immediately transmit a copy of the record thereof to the county clerk of the particular county. The county clerk shall keep a record of the fines and forfeitures imposed under this division in his county. Record of  
fines and  
forfeitures

Whenever an imprisonment has been imposed for a violation of this division, and before the termination of the sentence



thereof the defendant is released by the vacation of the sentence of imprisonment and the imposition of a fine or forfeiture in lieu thereof, such fine or forfeiture shall be recorded and accounted for in the same manner as though it had been imposed in the first instance.

The official bond of any judge or magistrate shall be liable for his failure to transmit the fines or forfeitures imposed by him under the provisions of this division.

Reports

20807. The county clerk of each county shall, on or before the fifteenth day of January, transmit to the State Controller an annual report of the fines and forfeitures collected during the preceding calendar year within his county.

The State Controller shall check the report of each county clerk with the transmittals of fines and forfeitures from the judges and magistrates, and whenever it is apparent that fines or forfeitures have not been transmitted, the State Controller shall bring suit to enforce the collection or transmittal thereof, or both.

Public records

20808. The records kept by any judge, magistrate or county clerk, under the provisions of this chapter, shall be open to the public for inspection, and may be checked by the State Controller, the Attorney General, or the district attorney of the particular county.

## DIVISION 16. VENEREAL DISEASE

(Division 15 added by Stats. 1947, Ch. 765; heading renumbered Division 16 by Stats. 1949, Ch. 441.)

### PART 1. PREVENTION AND CONTROL

(Part 1 added by Stats. 1947, Ch. 765.)

#### CHAPTER 1. DEFINITIONS AND GENERAL PROVISIONS

"Venereal diseases"

21000. As used in this part, "venereal diseases" means syphilis, gonorrhea, chancroid, lymphogranuloma, inguinale, and granuloma inguinale.

(Added by Stats. 1947, Ch. 765.)

"Bureau"

21001. As used in this part, "bureau" means the Bureau of Venereal Diseases in the state department.

(Added by Stats. 1947, Ch. 765.)

Dates applicable

21002. The provisions of this part shall apply in all instances, and whether a person infected with a venereal disease became infected or commenced treatment before or after August 27, 1937. However, no act performed before August 27, 1937, is subject to any criminal prosecution under this part.

(Added by Stats. 1947, Ch. 765.)

Religious beliefs

21003. Nothing in this part shall be construed to interfere with the freedom of any adherent of teachings of any well-recognized religious sect, denomination, or organization to depend exclusively upon prayer for healing in accordance with the teachings of such religious sect, denomination, or organization. Any such person, along with any person treating him, shall be

exempt from all provisions of this part regarding venereal diseases, except that the provisions of this code and the rules and regulations of the board regarding compulsory reporting of communicable diseases and the quarantine of such diseases, and the provisions of this part regarding callings in which a person with venereal disease may not engage, shall apply.

(Added by Stats. 1947, Ch. 765.)

## CHAPTER 2. ADMINISTRATION

### Article 1. Generally

21100. The board shall promulgate such rules and regulations as are reasonably necessary to effectuate the prevention and control of venereal diseases in this State, or to control and effectuate the proper reporting, quarantine, examination of, and proper control measures for such diseases.

Rules and  
regulations

(Added by Stats. 1947, Ch. 765.)

21101. Whenever the board considers it reasonably necessary for protecting the health of any person or carrying out the provisions and purposes of this part, it may by rule or regulation designate the callings in which persons having venereal disease in an infectious state shall not engage.

Designation  
of prohibited  
occupations

(Added by Stats. 1947, Ch. 765.)

21102. The state department shall enforce such necessary rules and regulations as are promulgated by the board, particularly those relating to the quarantine of persons suspected of having, or having had, venereal disease.

Quarantine

(Added by Stats. 1947, Ch. 765.)

### Article 2. Bureau of Venereal Diseases

21125. There is in the state department a Bureau of Venereal Diseases.

Bureau of  
Venereal  
Diseases

(Added by Stats. 1947, Ch. 765.)

21126. The bureau shall cooperate in the prevention, control, and cure of venereal diseases with physicians and surgeons; medical schools; public and private hospitals, dispensaries, and clinics; public and private school, college, normal school, and university authorities; penal and charitable institutions; reform and industrial schools; detention homes; federal, state, local and district health officers and boards of health, and all other health authorities; institutions caring for the insane; and with any other persons, institutions, or agencies.

Cooperation  
with  
physicians,  
agencies, etc.

(Added by Stats. 1947, Ch. 765.)

21127. The board shall appoint a chief of the bureau, who shall devote his entire time to the duties of the office.

Chief of  
bureau

(Added by Stats. 1947, Ch. 765.)

21128. No person is eligible for the position of chief of the bureau unless he holds a physician's and surgeon's certificate issued in this State and shall have been specially trained or experienced in public health work, and in the prevention and control of venereal disease.

Qualifica-  
tions

(Added by Stats. 1947, Ch. 765.)

**Powers, duties, etc.** 21129. The chief shall perform and discharge all of the powers, duties, purposes, and functions which are herein or which may hereafter by law be vested in him.

(Added by Stats. 1947, Ch. 765.)

**Assistants** 21130. Subject to the State Civil Service Law, the board shall appoint such assistants, deputies, clerical, and other help as it deems reasonably necessary in carrying out the provisions and purposes of this part, and shall prescribe their duties.

(Added by Stats. 1947, Ch. 765.)

**Investigations, etc.** 21131. The Bureau of Venereal Diseases, subject to the direction and supervision of the director, shall investigate conditions affecting the prevention and control of venereal diseases and approved procedures for such prevention and control, and shall disseminate educational information relative thereto.

(Added by Stats. 1947, Ch. 765.)

**Educational and publicity work** 21132. The bureau shall conduct such educational and publicity work as it may deem necessary; and, from time to time, shall cause to be issued, free of charge, copies of such rules and regulations, pamphlets, and other literature as it deems reasonably necessary.

(Added by Stats. 1947, Ch. 765.)

## CHAPTER 2. CLINICS AND TREATMENT

**Clinics, prophylactic stations, etc.** 21200. The state department may establish, maintain, and subsidize clinics, dispensaries, and prophylactic stations for the diagnosis, treatment, and prevention of venereal diseases, and may provide medical, advisory, financial, or other assistance to such clinics, dispensaries, and stations as may be approved by it. No clinic, dispensary, or prophylactic station shall be approved unless it meets the requirements of the board and complies with its rules and regulations.

(Added by Stats. 1947, Ch. 765.)

**Rural counties and cities** 21202. The state department may furnish treatment for a case or for a group of cases in rural counties or cities upon the recommendation of the local health officer if adequate facilities for such treatment are not available in the county or city.

(Added by Stats. 1947, Ch. 765.)

**Acute cases** 21203. Any state agency conducting a public hospital shall admit acute venereal disease cases when, in the opinion of the state department or the local health officer having jurisdiction, persons infected with venereal disease may be a menace to public health.

(Added by Stats. 1947, Ch. 765.)

## CHAPTER 3. COOPERATION AND REPORTS

### Article 1. Specimen Examinations

**Physician to submit specimens** 21300. The state department may require any physician in attendance on a person infected or suspected of being infected with a venereal disease infection to submit such specimens as may be designated for examination, when in its opinion such



procedure is reasonably necessary to carry out the provisions and purposes of this part.

(Added by Stats. 1947, Ch. 765.)

21301. The examination may be made in the state laboratory or in a clinical laboratory which is under the immediate supervision and direction of a clinical laboratory technologist or a licensed physician and surgeon, or in any other laboratory in this State which for a period of more than five years prior to August 27, 1937, was actively engaged in the examination of specimens of a similar character for physicians and surgeons in this State.

Place of examination

(Added by Stats. 1947, Ch. 765.)

21302. Nothing in this article limits any person's freedom to have additional examinations made elsewhere than specified in this article.

Additional examinations

(Added by Stats. 1947, Ch. 765.)

## Article 2. Diseased Persons

21310. Every diseased person shall comply with all the provisions of this part, and with all rules of the board issued pursuant to this part.

Compliance with rules

(Added by Stats. 1947, Ch. 765.)

21311. Every diseased person shall give all information required by this part, including the name and address of any person from whom the disease has been contracted.

Information

(Added by Stats. 1947, Ch. 765.)

21312. Every diseased person shall from time to time submit to approved examinations to determine the condition of the disease.

Submission to examination

(Added by Stats. 1947, Ch. 765.)

21313. Every diseased person shall conduct himself in a manner which will not be likely to expose any other person to infection or to spread the disease, and shall submit to proper control measures until the disease is no longer in an infectious state and no longer likely again to become infectious.

Conduct, etc.

(Added by Stats. 1947, Ch. 765.)

## Article 3. Control Measure Compliance

21320. If any person subject to proper venereal disease control measures discontinues any control procedure required by this part, the agency administering the procedure prior to such discontinuance shall make reasonable efforts to determine whether such person is continuing to comply with the procedure elsewhere.

Control measures

(Added by Stats. 1947, Ch. 765.)

21321. If it appears reasonably likely that such person is not complying with such procedure elsewhere, the agency which was administering the procedure prior to the discontinuance shall make all reasonable efforts to induce such person to comply; and if it thereafter appears reasonably likely that he has failed to comply, shall report, on forms furnished by the state department, his name and address to the local health officer or board of

Report of cases failing to comply

health, or to the state department where there is no such local health officer or board.

(Added by Stats. 1947, Ch. 765.)

#### Article 4. Local Cooperation

Local health  
officers

21330. It is the duty of each local health officer to enforce the provisions of this part pertaining to the control and prevention of venereal diseases and such rules and regulations relating thereto as may be lawfully promulgated by the state board.

(Added by Stats. 1947, Ch. 765.)

Investiga-  
tions and  
preventive  
measures

21331. It is the duty of the local health officers to use every available means to ascertain the existence of cases of infectious venereal diseases within their respective jurisdictions, to investigate all cases that are not, or probably are not, subject to proper control measures approved by the board, to ascertain so far as possible all sources of infection, and to take all measures reasonably necessary to prevent the transmission of infection.

(Added by Stats. 1947, Ch. 765.)

Inspection  
and  
quarantine

21332. Local health officers may inspect and quarantine any place or person when such procedure is necessary to enforce the rules and regulations of the board or the state department.

(Added by Stats. 1947, Ch. 765.)

Report of  
information

21333. It is the duty of every local health officer and deputy to report to the state department such information in relation to the subject of venereal diseases as may be required.

(Added by Stats. 1947, Ch. 765.)

#### CHAPTER 4. FUNDS

Private,  
State, etc.

21350. The board may receive any financial aid made available to it by any private, state, federal, or other grant or source, and shall use the funds to carry out the provisions and purposes of this part.

(Added by Stats. 1947, Ch. 765.)

Federal

21351. If federal funds are made available to the board to aid it in carrying out the provisions and purposes of this part, the board, in counties where there is no county health department capable of carrying out such provisions and purposes, may use a portion of the funds appropriated for the administration of this part to aid in establishing, in such counties, part or full time health departments, if adequate facilities for the approved diagnosis, examination, and control of venereal diseases are furnished in such county health departments.

(Added by Stats. 1947, Ch. 765.)

#### CHAPTER 5. PROCEEDINGS

Enforcement  
actions

21375. The board may commence and maintain all proper and necessary actions and proceedings to enforce its rules and regulations.

(Added by Stats. 1947, Ch. 765.)

21376. It is the duty of the district attorney of the county or the city and county in which a violation of this part may occur to prosecute the person accused of the violation. Prosecution  
by district  
attorney

(Added by Stats. 1947, Ch. 765.)

21377. In any prosecution for a violation of any provision of this part, or any rule or regulation of the board made pursuant to this part, or in any quarantine proceeding authorized by this part, or in any habeas corpus or other proceeding in which the legality of such quarantine is questioned, any physician, health officer, spouse, or other person shall be competent and may be required to testify against any person against whom such prosecution or other proceeding was instituted, or any person by whom such habeas corpus or other proceeding was instituted, and the provisions of subsections 1 and 4 of Section 1881 of the Code of Civil Procedure shall not be applicable to or in any such prosecution or proceeding. Competent  
testimony

(Added by Stats. 1947, Ch. 765.)

## CHAPTER 7. VIOLATIONS

21385. Any person who refuses to give any information, to make any report, to comply with any proper control measure or examination, or to perform any other duty or act required by this part, or who violates any provision of this part or any rule or regulation of the state board issued pursuant to this part, or who exposes any person to or infects any person with any venereal disease; or any person infected with a venereal disease in an infectious state who knows of such condition and who marries or has sexual intercourse, is guilty of a misdemeanor. Violations:  
Misdemeanor

(Added by Stats. 1947, Ch. 765.)

21386. Every physician, dispensary, practitioner, or clinic who or which fails to report a case of venereal disease as required by this part is guilty of a misdemeanor. Same

(Added by Stats. 1947, Ch. 765.)

## PART 2. PRENATAL SYPHILITIC TESTS

(Part 2 added by Stats. 1947, Ch. 705)

21400. "Approved laboratory," as used in this part, means a laboratory approved by the state department, or any other laboratory the director of which is licensed by the state department according to law. "Approved  
laboratory"

(Added by Stats. 1947, Ch. 705.)

21401. "Standard laboratory blood test," as used in this part, means a test for syphilis approved by the state department. "Standard  
laboratory  
blood test"

(Added by Stats. 1947, Ch. 705.)

21402. Every licensed physician and surgeon or other person engaged in prenatal care of a pregnant woman, or attending such woman at the time of delivery, shall obtain or cause Blood  
specimen



to be obtained a blood specimen of such woman at the time of the first professional visit or within 10 days thereafter.

(Added by Stats. 1947, Ch. 705.)

Submission  
for test

21403. The blood specimen thus obtained shall be submitted to an approved laboratory for a standard laboratory test for syphilis.

(Added by Stats. 1947, Ch. 705.)

Designation  
of specimen

21404. In submitting a specimen to a laboratory the physician shall designate it as a prenatal test or a test following recent delivery.

(Added by Stats. 1947, Ch. 705.)

Report form

21405. The state department shall issue a "prenatal test laboratory report form" to be distributed upon application to all laboratories approved to do tests required by this part.

(Added by Stats. 1947, Ch. 705.)

Report in  
triplicate

21406. Any laboratory doing a test required by this part shall prepare the report in triplicate.

The original shall be transmitted by the laboratory doing the test to the physician submitting the specimen.

The duplicate shall be forwarded at weekly intervals to the state department.

The triplicate shall be retained by the laboratory in its file, and shall be open at any time for inspection by an authorized representative of the state department.

(Added by Stats. 1947, Ch. 705.)

Confidential  
reports

21407. All laboratory reports are confidential, and are not open to public inspection.

(Added by Stats. 1947, Ch. 705.)

Acceptance  
of specimens

21408. In case of question concerning the accuracy of a test required by this part, it is mandatory upon the state department to accept specimens for checking purposes from any district in the State.

(Added by Stats. 1947, Ch. 705.)

Violations:  
Misdemeanor

21409. Any licensed physician and surgeon, or other person engaged in attendance upon a pregnant woman or a recently delivered woman, or any representative of a laboratory who violates any provision of this part, is guilty of a misdemeanor. However, a licensed physician and surgeon, or other person engaged in attendance upon a pregnant or recently delivered woman, whose request for a specimen is refused, is not guilty of a misdemeanor for failure to obtain it.

(Added by Stats. 1947, Ch. 705.)

## DIVISION 20. MISCELLANEOUS HEALTH AND SAFETY PROVISIONS

### CHAPTER 1. HEALTH AND SAFETY OF BATHERS

#### Article 1. Life Saving Devices

"Resort"

24000. "Resort," as used in this article, means a resort, bathhouse, or other public place for the purpose of accommodating bathers, bordering upon or adjoining the seacoast or

a lake where the public resort for the purpose of bathing in the open sea or lake.

24001. No person shall own or conduct a resort unless **Lifeboat** it is equipped with at least one lifeboat.

24002. The boat shall be fully equipped with oars, oar- **Equipment** locks, and not less than two life preservers, and 200 feet of rope.

It shall be kept in good repair and near the resort. **Repair**

24003. The boat shall have the word "lifeboat" plainly **Use, etc.** printed or painted upon it. It shall be used for no purpose other than for the saving of life or for other cases of emergency.

24004. Every person who violates any provision of this **Penalty** article is guilty of a misdemeanor punishable by a fine of not less than 10 nor more than two hundred dollars (\$200), or by imprisonment for not less than 10 days nor more than six months, or by both.

## Article 2. Swimming Pool Markers

24050. "Resort," as used in this article, means any public **"Resort"** bathing or swimming place or resort on a river or stream.

24051. No person shall maintain a resort unless he care- **Soundings, etc.** fully sounds the depth of water and locates the eddies and pools and determines the presence and nature of dangerous currents, sunken logs, rocks, and obstructions in the stream or river.

24052. No person shall maintain a resort unless signs **Signs** indicating in plain letters the depth of water, the location of pools or eddies, and the presence and direction of currents of water are placed and maintained in the water during the season when bathing and swimming are permitted or invited.

24053. No person shall maintain a resort unless safety **Safety ropes** ropes are stretched wherever necessary to show the line of eddies, pools, sunken obstructions, and other hidden dangers to bathers in the water.

24054. Every person who violates any provision of this **Penalty** article is guilty of a misdemeanor.

## Article 3. Swimming Pool Sanitation

24100. "Public swimming pool," as used in this article, **"Public swimming pool"** means any public swimming pool, bathhouse, public swimming and bathing place and all related appurtenances.

24101. The State Department of Public Health has super- **Supervision** vision of sanitation, healthfulness, and safety of public swimming pools.

24102. The State department shall make and enforce such **Rules and regulations** rules and regulations pertaining to public swimming pools as it deems proper.

24103. Every health officer shall enforce the rules and **Enforcement** regulations in his jurisdiction.

Investi- gations	24104. For the purposes of this article, any health officer, or any inspector of the State department, may at all reasonable times enter all parts of the premises of a public swimming pool to make examination and investigation to determine the sanitary condition and whether this article or the rules and regulations are being violated.
Reports	24105. The State department may publish the reports of inspections.
Public nuisance	24106. Any public swimming pool constructed, operated, or maintained contrary to the provisions of this article is a public nuisance, dangerous to health.
Abatement	24107. Any nuisance maintained in violation of this article may be abated or enjoined in an action brought by a local board of health, or the State department, or it may be summarily abated in the manner provided by law for the summary abatement of other public nuisances dangerous to health.
Penalty	24108. Every person who violates any provision of this article is guilty of a misdemeanor, punishable by a fine of not less than 25 nor more than five hundred dollars (\$500), or by imprisonment for not more than six months, or both.
Separate offense	24109. Each day that a violation of this article continues is a separate offense. (Article 4 repealed by Stats. 1949, Ch. 566.) 24150. (Repealed by Stats. 1949, Ch. 566.) 24151. (Repealed by Stats. 1949, Ch. 566.)

## CHAPTER 2. AIR POLLUTION CONTROL DISTRICTS

(Chapter 2 repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632)

### Article 1. Creation and Functioning of Districts

Legislative finding and declaration	24198. The Legislature finds and declares that the people of the State of California have a primary interest in atmospheric purity and freedom of the air from any air contaminants and that there is pollution of the atmosphere in many portions of the State which is detrimental to the public peace, health, safety, and welfare of the people of the State. (Added by Stats. 1947, Ch. 632.)
Same	24199. The Legislature hereby finds and declares: (a) That in portions of the State the air is polluted with smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, particulate matter, and other air contaminants. (b) That it is not practical or feasible to prevent or reduce such air contaminants by local county and city ordinances. (c) That in other portions of the State the air is not so polluted. (d) That it is necessary, therefore, to provide for air pollution control districts in those portions of the State where regulations are necessary and feasible to reduce air contaminants in



order to safeguard life, health, property and the public welfare and to make possible the comfortable enjoyment of life and property.

(Added by Stats. 1947, Ch. 632.)

24200. In each county there is hereby created an air pollution control district. Air pollution control district

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24201. The boundaries of every air pollution control district shall be coextensive with the boundaries of the county within which it is situated. Boundaries

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24202. An air pollution control district shall not transact any business or exercise any of its powers under this chapter until or unless the board of supervisors of the county in which it is situated, by proper resolution, declares at any time hereafter that there is need for an air pollution control district to function in such county. Resolution of supervisors

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24203. The board of supervisors at any time on its own motion may hold a public hearing to determine whether or not there is need for an air pollution control district to function. Hearing

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24204. The board of supervisors shall give notice of the time and place of a public hearing to determine whether or not there is need for an air pollution control district to function by publication once in a newspaper of general circulation not less than 15 days before, and not more than 45 days before such hearing. Notice

(Amended by Stats. 1941, Ch. 503; repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24205. The board of supervisors may adopt a resolution declaring that there is need for an air pollution control district to function if from the evidence received at such a public hearing it finds: Resolution of necessity

(a) That the air within such county is so polluted with air contaminants as to be injurious to health, or an obstruction to the free use of property, or offensive to the senses of a considerable number of persons, so as to interfere with the comfortable enjoyment of life or property.

(b) For any reason it is not practical to rely upon the enactment or enforcement of local county and city ordinances to prevent or control the emission of smoke, fumes, or other substances which cause or contribute to such pollution.

Upon the adoption of this resolution the district shall begin to function.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

Sufficiency  
of resolution

24206. A resolution declaring that there is need for an air pollution control district to function is sufficient if it finds that there is need for an air pollution control district to function, and finds in substantially the wording of Section 24205 that both of the enumerated conditions exist. No further detail is necessary.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

Certified  
copy as  
evidence

24207. A copy of a resolution declaring that there is need for an air pollution control district, duly certified by the county clerk, is admissible in evidence in any suit, action or proceeding.

(Added by Stats. 1947, Ch. 632.)

"Air con-  
taminant"

24208. As used in this chapter, "air contaminant" includes smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.

(Added by Stats. 1947, Ch. 632.)

Appropria-  
tions

24209. The board of supervisors of a county in which an air pollution control district has been authorized to transact business and exercise its powers, may from time to time appropriate funds to such air pollution control district which funds shall be deposited in the treasury of such air pollution control district.

(Added by Stats. 1947, Ch. 632.)

County  
charges

24210. All such appropriations are legal charges against the county.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

Body  
corporate

24211. Every air pollution control district is a body corporate and politic.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

Powers of  
district

24212. Upon the adoption by the board of supervisors or a resolution declaring that there is need for an air pollution control district to function the air pollution control district in that county shall have power:

(a) To have perpetual succession.

(b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at its pleasure.

(d) To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its powers.

(e) To lease, sell or dispose of any property or any interest therein whenever in the judgment of the air pollution control board such property, or any interest therein, or part thereof, is no longer required for the purposes of the district, or may be leased for any purpose without interfering with the use of

the same for the purposes of the district, and to pay any compensation received therefor into the general fund of the district.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24213. (Repealed by Stats. 1945, Ch. 1142.)

24214. (Repealed by Stats. 1945, Ch. 1142.)

## Article 2. Officers

24220. The board of supervisors of a county shall be, and they are hereby designated as, and empowered to act as, ex officio the air pollution control board of the air pollution control district in such county. Air pollution  
control board

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24221. All county officers, their assistants, clerks, deputies, and employees, and all other county employees, shall be ex officio officers, assistants, deputies, clerks, and employees, respectively, of the air pollution control district in the county by which they are employed. Except as otherwise provided in this article, they shall perform respectively the same various duties for the air pollution control district as for the county without additional compensation, in order to carry out the provisions of this chapter. County  
officers

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24222. The air pollution control board shall appoint an air pollution control officer. Control  
officer

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24223. The air pollution control board may provide for assistants, deputies, clerks, attaches, and other persons to be employed by the air pollution control officer, and the times at which they shall be appointed. Assistants

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24224. The air pollution control officer shall observe and enforce, within his air pollution control district: Duties of  
control  
officer

(a) The provisions of this chapter.

(b) All orders, regulations, and rules prescribed by the air pollution control board of the air pollution control district pursuant to this chapter.

(c) All variances and standards which the hearing board has prescribed pursuant to Article 5 of this chapter.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24225. The air pollution control board shall appoint a hearing board to consist of three members, none of whom is otherwise employed by the air pollution control district or by the county. Two members shall have been admitted to practice law in this State. One member shall be a chemical or mechanical engineer. Hearing  
board

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)



**Term  
of office**

24226. The air pollution control board shall appoint one member of the hearing board for a term of one year, one for a term of two years, and one for a term of three years. Thereafter the terms of members of the hearing board shall be three years.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

**Salaries**

24227. The air pollution control board shall determine the compensation of, and pay from district funds, the air pollution control officer, all of his assistants, deputies, clerks, attaches, and other employees, and members of the hearing board.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

**Appoint-  
ments by  
civil service**

24228. In any county having a system of civil service, the air pollution control board shall appoint the air pollution control officer, and the air pollution control officer shall appoint all of his assistants, deputies, clerks, attaches, and other employees, pursuant to such civil service provisions, except:

**Exceptions**

(a) If the civil service commission or body performing the functions thereof, finds that any person has been employed by the county or by any city within the air pollution control district for a continuous period of not less than six months prior to the effective date of a resolution adopted by the board of supervisors pursuant to Article 1 of this chapter, in a position the duties of which, and qualifications for which are substantially the same as, or are greater than and include qualifications which are substantially the same as those of any position in the air pollution control district, and such person has attained permanent civil service status in such city or county position, the civil service commission or such other body shall certify, without examination, such person as eligible to hold such air pollution control district position.

(b) If the civil service commission or body performing the functions thereof finds that any person has been employed by the county or by any city within the air pollution control district in a position the duties of which, and qualifications for which are substantially the same as, or are greater than and include qualifications which are substantially the same as those of any position in the air pollution control district, at the request of the air pollution control officer, the civil service commission or such other body, may certify, without examination, such person as eligible to hold such air pollution control district position.

(c) This section does not apply to the appointment of members to the hearing board.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

**Retirement  
provisions**

24229. All officers and employees of an air pollution control district are entitled to the benefits of the County Employees' Retirement Law of 1937, Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code, to the same extent as employees of the county. An air pollution control district is

a district as defined in Section 31468 of the Government Code.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24230. If any person is employed by an air pollution control district after certification without examination by the civil service commission or similar body because of his employment in a position of similar duties by the county or by a city within the air pollution control district, for the purpose of retirement benefits and salary rates all time employed in such county or city position shall be considered as time employed by the air pollution control district. Credit for prior service

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24231. In enforcing the provisions of this chapter and such orders, regulations, rules, variances, and standards, the air pollution control officer of an air pollution control district is a peace officer. Peace officer

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24232. (Repealed by Stats. 1945, Ch. 1142.)

24240. (Repealed by Stats. 1945, Ch. 1142.)

### Article 3. Prohibitions

24241. The provisions of this article do not apply within any air pollution control district unless and until, pursuant to resolution as provided in Article 1 of this chapter, such air pollution control district may function and exercise its powers. Application

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24242. A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is: Prohibited discharges

(a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of this section.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24243. A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property. Same

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24244. (Repealed by Stats. 1945, Ch. 1142.)

## Exceptions

24245. This article does not apply to smoke from fires set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, for the purpose of weed abatement, the prevention of a fire hazard, or the instruction of public employees in the methods of fighting fire, which is, in the opinion of such officer, necessary.

(Added by Stats. 1947, Ch. 632.)

## Entry and inspection of buildings, etc.

24246. The air pollution control officer, during reasonable hours, for the purpose of enforcing or administering this chapter or of any order, regulation or rule prescribed pursuant thereto, may enter every building, premises, or other place, except a building designed for and used exclusively as a private residence and may stop, detain, and inspect any vehicle, designed for and used on a public highway but which does not run on rails. Every person is guilty of a misdemeanor who in any way denies, obstructs, or hampers such entrance, or such stopping, detaining, or inspection of such vehicle, or who refuses to stop such a vehicle upon the lawful order of the air pollution control officer.

(Added by Stats. 1947, Ch. 632.)

## Local control not prohibited

24247. The Legislature does not, by the provisions of this chapter, intend to occupy the field.

The provisions of this chapter do not prohibit the enactment or enforcement by any county or city of any local ordinance stricter than the provisions of this article and stricter than the rules and regulations adopted pursuant to Article 4 of this chapter, which local ordinance prohibits, regulates or controls air pollution.

(Added by Stats. 1947, Ch. 632.)

## Same

24248. The provisions of this chapter do not supersede any such local county or city ordinance.

(Added by Stats. 1947, Ch. 632.)

## Prosecutions not barred

24249. If it should be held that the provisions of this chapter supersede the provisions of any local county or city ordinance, such suspension shall not bar the prosecution or punishment of any violation of such ordinance which violation was committed when such ordinance was in full force and effect.

(Added by Stats. 1947, Ch. 632.)

## Rules and regulations

24250. Nothing in this article limits in any way the power of the air pollution control board to make needful orders, rules, and regulations pursuant to Article 4 of this chapter. Nothing in this article permits any action contrary to any such order, rule, or regulation.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

## Exempt operations

24251. The provisions of Section 24242 do not apply to:

(a) Agricultural operations in the growing of crops, or raising of fowls or animals, or,

(b) The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute, or,



(c) The use of other equipment in agricultural operations in the growing of crops, or raising of fowls or animals.

(Added by Stats. 1947, Ch. 632.)

24252. Any violation of any provision of this article or of any order, rule, or regulation of the air pollution control board may be enjoined in a civil action brought in the name of the people of the State of California.

(Added by Stats. 1947, Ch. 632.)

24253. Every person who violates any provision of this article is guilty of a misdemeanor. Every day during any portion of which such violation occurs constitutes a separate offense.

(Added by Stats. 1947, Ch. 632.)

#### Article 4. Rules and Regulations

24260. The air pollution control board of an air pollution control district may make and enforce all needful orders, rules, and regulations necessary or proper to accomplish the purposes of this chapter for the administration of such district, and may perform all other acts necessary or proper to accomplish the purposes of this chapter.

(Added by Stats. 1947, Ch. 632.)

24261. The air pollution control board shall not enact any order, rule or regulation until it first holds a public hearing thereon. It shall give not less than 10 days' notice of the time and place of such public hearing by publication in a newspaper of general circulation published within the district if such a newspaper is published within the district. If no newspaper of general circulation is published within the district it shall give notice of the time and place of public hearing by posting in a public place not less than 10 days before such hearing.

(Added by Stats. 1947, Ch. 632.)

24262. Whenever the air pollution control board finds that the air in the air pollution control district is so polluted as to cause any discomfort or property damage at intervals to a substantial number of inhabitants of the district, the air pollution control board may make and enforce such orders, rules, and regulations as will reduce the amount of air contaminants released within the district.

(Added by Stats. 1947, Ch. 632.)

24263. The air pollution control board may require by regulation that before any person builds, erects, alters, replaces, operates, or uses any article, machine, equipment, or other contrivance specified by such regulation the use of which may cause the issuance of air contaminants, such person shall obtain a permit to do so from the air pollution control officer.

Insofar as the regulations do not grant an automatic permit for the operation or use of any article, machine, equipment or contrivance in existence upon the effective date of such regulations, a permit shall not be required without first affording the owner, operator, or user thereof a reasonable time within which

to apply for such permit, and to furnish the air pollution control officer the information required pursuant to Section 24269. (Added by Stats. 1947, Ch. 632.)

Plans and  
specifications

24264. The air pollution control board may require that before the air pollution control officer issues a permit to build, erect, alter, or replace any equipment, that the plans and specifications show, and that the permit issued by the air pollution control officer require, that such building, erection, alteration, or replacement will be done in such a manner, and that such approved equipment be used as the air pollution control board finds will eliminate or reduce the discharge of any air contaminants.

(Added by Stats. 1947, Ch. 632.)

Exempt  
equipment

24265. A permit shall not be required for:

(a) Any mobile equipment.

(b) Any structure designed for and used exclusively as a dwelling for not more than four families.

(c) An incinerator used exclusively in connection with such a structure.

(d) Barbecue equipment used exclusively in connection with such a structure.

(e) Equipment described in Section 24251; except that the Air Pollution Control Board of any county, any part of which lies south of the Sixth Standard Parallel South, Mount Diablo Base and Meridian, may at its discretion require operations described in Section 24251(b) to obtain permits. The board may promulgate such rules and regulations, as herein provided for, but in no event shall a permit be denied an operator, operating orchard or citrus grove heaters, if such heaters produce unconsumed solid carbonaceous matter at the rate of one (1) gram per minute, or less.

(f) Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.

As used in this section, maintenance does not include operation.

(Added by Stats. 1947, Ch. 632; amended by Stats. 1949, Ch. 910.)

Power of  
control board  
to contract

24266. The air pollution control board may contract with the county, and may contract with any city within the air pollution control district, and the county and any such city may contract with the air pollution control district, for the performance of such work in the name of, and subject to the approval of, the air pollution control officer by the building department or other officer, department, or agency of the county or such city charged with the enforcement of regulations pertaining to the erection, construction, reconstruction, movement, conversion, alteration, or enlargement of buildings or structures, as will accomplish all or part of the purposes of Sections 24263 and 24264. The contract may provide for the consideration, if any, which the air pollution control district shall pay to such city.

(Added by Stats. 1947, Ch. 632.)

24267. The air pollution control board may provide by regulation a schedule of fees not exceeding the estimated cost of issuing such permits and inspection pertaining to such issuance to be paid for the issuance of such permits. Every person applying for a permit shall pay the fee required by such schedule.

(Added by Stats. 1947, Ch. 632.)

24268. A contract entered into pursuant to Section 24266 may provide that fees for permits shall be paid to the city, the officer, department, or agency of which city issues the permit, and may be retained by such city in whole or in part as the consideration, or part thereof, for issuing such permits. Otherwise, all fees paid for the issuance of permits shall be paid into the district treasury.

(Added by Stats. 1947, Ch. 632.)

24269. The air pollution control officer at any time may require from an applicant for, or holder of any permit provided for by the regulations of the air pollution control board, such information, analyses, plans, or specifications as will disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged by such source.

(Added by Stats. 1947, Ch. 632.)

24270. If the holder of any permit provided for by the regulations of the air pollution control board within a reasonable time wilfully fails and refuses to furnish to the air pollution control officer information, analyses, plans, or specifications requested by such air pollution control officer, the air pollution control officer may suspend the permit. He shall serve notice in writing of such suspension and the reasons therefor on the permittee.

(Added by Stats. 1947, Ch. 632.)

24271. Within 10 days after receipt of notice of suspension the permittee may file with the hearing board a demand for a public hearing as to whether or not the permit was properly suspended.

(Added by Stats. 1947, Ch. 632.)

24272. The air pollution control officer shall reinstate a suspended permit when all information, analyses, plans, and specifications are furnished.

(Added by Stats. 1947, Ch. 632.)

24273. The air pollution control officer may reinstate a suspended permit where, in his opinion, good reasons exist therefor.

(Added by Stats. 1947, Ch. 632.)

24274. The air pollution control officer may request the hearing board to hold a public hearing to determine whether a permit should be revoked, or a suspended permit should be reinstated.

(Added by Stats. 1947, Ch. 632.)

24275. Within 30 days after either the air pollution control officer or the permittee has requested a public hearing, the hearing board shall hold such a hearing and give notice of the time



and place of such hearing to the permittee, to the air pollution control officer and to such other persons as the hearing board deems should be notified, not less than 10 days before the date of the public hearing.

(Added by Stats. 1947, Ch. 632.)

Action of  
board

24276. After a public hearing, the hearing board may:

(a) Continue the suspension of a permit suspended by the air pollution control officer, or

(b) Remove the suspension of an existing permit invoked by the air pollution control officer pending the furnishing by the permittee of the information, analyses, plans, and specifications required, or

(c) Find that no violation exists and reinstate an existing permit, or

(d) Revoke an existing permit, if it finds:

(1) The permittee has failed to correct any conditions required by the air pollution control officer, or

(2) A refusal of a permit would be justified, or

(3) Fraud or deceit was employed in the obtaining of the permit, or

(4) Any violation of this chapter or of any rule or regulation of the air pollution control board.

(Added by Stats. 1947, Ch. 632.)

False  
statements

24277. Every person is guilty of a misdemeanor who knowingly makes any false statement in any application for a permit or in any information, analyses, plans, or specifications submitted either in conjunction therewith, or at the request of the air pollution control officer.

(Added by Stats. 1947, Ch. 632.)

Operating  
without  
permit

24278. Every person is guilty of a misdemeanor who builds, erects, alters, replaces, uses, or operates any source capable of emitting air contaminants for which a permit is required by the regulations of the air pollution control district when his permit so to do has been either suspended or revoked.

(Added by Stats. 1947, Ch. 632.)

Failure to  
obtain  
permit

24279. Every person required by the regulations of the air pollution control board to obtain a permit so to do who, without first obtaining such permit, builds, erects, alters, replaces, uses, or operates any source capable of emitting air contaminants, is guilty of a misdemeanor.

(Added by Stats. 1947, Ch. 632.)

Operations  
contrary to  
permit

24280. Every person is guilty of a misdemeanor who builds, erects, alters, or replaces, operates or uses any such article, machine, equipment, or other contrivance contrary to the provisions of any permits issued under regulations adopted pursuant to this article.

(Added by Stats. 1947, Ch. 632.)

Violations  
of rules and  
regulations

24281. Every person violating any order, rule, or regulation of an air pollution control district is guilty of a misdemeanor. Every day during any portion of which such a violation occurs is a separate offense.

(Added by Stats. 1947, Ch. 632.)

24282. Every permittee who wilfully fails or neglects to furnish information, analyses, plans, or specifications required by the air pollution control officer is guilty of a misdemeanor. (Added by Stats. 1947, Ch. 632.)

Failure to  
furnish  
information

### Article 5. Variances

24291. The provisions of this chapter do not prohibit the discharge of air contaminants to a greater extent or for a longer time, or both, than permitted by Article 3 of this chapter or by rules, regulations, or orders of the air pollution control board, if not of a greater extent or longer time than the hearing board or a court after a hearing before the hearing board finds necessary pursuant to the provisions of this article.

Necessary  
discharges

(Added by Stats. 1947, Ch. 632.)

24292. The hearing board on its own motion or at the request of any person may hold a hearing to determine under what conditions and to what extent a variance from the requirements established by Article 3 of this chapter or by rules, regulations, or orders of the air pollution control board is necessary and will be permitted.

Hearing to  
determine  
necessity

(Added by Stats. 1947, Ch. 632.)

24293. The air pollution control board may provide, by regulation, a schedule of fees which will yield a sum not exceeding the estimated cost of the administration of this article, for the filing of applications for variances or to revoke or modify variances. All applicants shall pay the fees required by such regulations.

Fees

(Added by Stats. 1947, Ch. 632.)

24294. All such fees shall be paid into the district treasury.

Disposition  
of fees

(Added by Stats. 1947, Ch. 632.)

24295. The hearing board shall serve a notice of the time and place of a hearing to grant a variance upon the air pollution control officer and upon the applicant, if any, not less than 10 days prior to such hearing.

Notice

(Added by Stats. 1947, Ch. 632.)

24296. If the hearing board finds that because of conditions beyond control compliance with Article 3 of this chapter or with any rule, regulation, or order of the air pollution control board will result in an arbitrary and unreasonable taking of property or in the practical closing and elimination of any lawful business, occupation or activity, in either case without a sufficient corresponding benefit or advantage to the people in the reduction of air contamination, it shall prescribe other and different requirements not more onerous applicable to plants and equipment operated either by named classes of industries or persons, or to the operation of separate persons; provided, however, that no variance may permit or authorize the maintenance of a nuisance.

Where com-  
pliance is  
inequitable

(Added by Stats. 1947, Ch. 632.)

24297. In determining under what conditions and to what extent a variance from said requirements is necessary and will be permitted, the hearing board shall exercise a wide discretion

Discretion  
of hearing  
board

in weighing the equities involved and the advantages and disadvantages to the residents of the district and to any lawful business, occupation or activity involved, resulting from requiring compliance with said requirements or resulting from granting a variance.

(Added by Stats. 1947, Ch. 632.)

Modification  
of orders

24298. The hearing board may revoke or modify by written order, after a public hearing held upon not less than 10 days' notice, any order permitting a variance.

(Added by Stats. 1947, Ch. 632.)

Notice and  
hearing

24299. The hearing board shall serve notice of the time and place of a hearing to revoke or modify any order permitting a variance not less than 10 days prior to such hearing upon the air pollution control officer, upon all persons who will be subjected to greater restrictions if such order is revoked or modified as proposed and upon all other persons interested or likely to be affected who have filed with the hearing board or air pollution control officer a written request for such notification.

(Added by Stats. 1947, Ch. 632.)

Service of  
notice

24300. The hearing board shall serve a notice of the time and place of a hearing to grant a variance or to revoke or modify an order permitting a variance either by personal service or by first class mail, postage prepaid, as provided by Section 15. If either the identity or address of any person entitled to notice is unknown, the hearing board shall serve such person by publication of notice once in a newspaper of general circulation published within the air pollution control district if such newspaper is published therein, otherwise by posting at a public place at the county seat within the district.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

Time limit

24301. The hearing board in making any order permitting a variance may specify the time during which such order will be effective, in no event to exceed one year, but such variance may be continued from year to year without another hearing on the approval of the air pollution control officer.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

Continuance  
of prior  
variance  
granted by  
local agency

24302. If any local county or city ordinance has provided regulations similar to those in Article 3 of this chapter or to any order, regulation, or rule prescribed by the air pollution control board, and has provided for the granting of variances, and pursuant to such local ordinance a variance has been granted prior to the adoption of a resolution by the board of supervisors pursuant to Article 1 of this chapter, such variance shall be continued as a variance of the hearing board for the time specified therein or one year whichever is shorter or until and unless prior to the expiration of such time the hearing board modifies or revokes such variance as provided in this article.

(Added by Stats. 1947, Ch. 632.)



## Article 6. Procedure

24310. This article applies to all hearings which either Application of article  
Article 4 or Article 5 of this chapter provides shall be held by the hearing board.

(Added by Stats. 1947, Ch. 632.)

24311. The hearing board shall select from its number a Chairman  
chairman.

(Added by Stats. 1947, Ch. 632.)

24312. The hearing board may hold a hearing in bank or Hearings  
may designate two or one of their number to hold a hearing.

(Added by Stats. 1947, Ch. 632.)

24313. If two or three members of the hearing board con- Decision  
duct a hearing the concurrence of two shall be necessary to a decision.

(Added by Stats. 1947, Ch. 632.)

24314. The hearing board not less than two being present Rehearing  
may, in its discretion, within 30 days rehear any matter which was decided by a single member.

(Added by Stats. 1947, Ch. 632.)

24315. Whenever the members of the hearing board con- Subpena  
ducting any hearing deem it necessary to examine any person as a witness at such hearing, the chairman of the hearing board shall issue a subpoena, in proper form, commanding such person to appear before it at a time and place specified to be examined as a witness. The subpoena may require such person to produce all books, papers, and documents in his possession or under his control material to such hearing.

(Added by Stats. 1947, Ch. 632.)

24316. A subpoena to appear before the hearing board shall Service of subpoena  
be served in the same manner as a subpoena in a civil action.

(Added by Stats. 1947, Ch. 632.)

24317. Whenever any person duly subpoenaed to appear and Contempt  
give evidence or to produce any books and papers before the hearing board neglects or refuses to appear, or to produce any books and papers, as required by the subpoena, or refuses to testify or to answer any question which the hearing board decides is proper and pertinent, he shall be deemed in contempt, and the hearing board shall report the fact to the judge of the superior court of the county.

(Added by Stats. 1947, Ch. 632.)

24318. Upon receipt of the report, the judge of the superior Attachment  
court shall issue an attachment directed to the sheriff of the county where the witness was required to appear and testify, commanding the sheriff to attach such person and forthwith bring him before the judge who ordered the attachment issued.

(Added by Stats. 1947, Ch. 632.)

24319. On the return of the attachment and the production Procedure for contempt  
of the body of the defendant, the judge has jurisdiction of the matter. The person charged may purge himself of the contempt in the same way, and the same proceeding shall be had, and the same penalties may be imposed, and the same punishment

inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a superior court.  
(Added by Stats. 1947, Ch. 632.)

**Oaths** 24320. Every member of the hearing board may administer oaths in every hearing in which he participates.  
(Added by Stats. 1947, Ch. 632.)

**Swearing witness** 24321. At any hearing the hearing board may require all or any witnesses to be sworn before testifying.  
(Added by Stats. 1947, Ch. 632.)

**Court proceeding** 24322. Any person deeming himself aggrieved, including the air pollution control district, may maintain a special proceeding in the superior court, to determine the reasonableness and legality of any action of the hearing board.  
(Added by Stats. 1947, Ch. 632.)

**Trial de novo** 24323. Any person filing such a special proceeding after any decision of the hearing board shall be entitled to a trial de novo and an independent determination of the reasonableness and legality of such action in such court on all issues of law, facts, and mixed questions of law and facts and opinions therein involved.  
(Added by Stats. 1947, Ch. 632.)

#### Article 7. Unified Air Pollution Control Districts

(Article 7 added by Stats. 1949, Ch. 1185)

**Merger** 24330. Two or more contiguous counties having activated air pollution control districts under this chapter may merge their several districts into one district, under the provisions of this article.

(Added by Stats. 1949, Ch. 1185.)

**Agreement** 24331. The board of supervisors of each county may by a vote of its members appoint two of its members to meet with an equal number appointed in a like manner from the other counties and agree to form one district, which agreement, upon ratification by the several boards of supervisors, shall create one district out of the several districts. Such agreement shall provide for the voting procedure on the air pollution control board.

(Added by Stats. 1949, Ch. 1185.)

**Boundaries** 24332. The boundaries of the unified air pollution control district shall be the same as the boundaries of the several counties of which it is comprised.

(Added by Stats. 1949, Ch. 1185.)

**Zones** 24333. Each county within the unified district shall be a zone of that district.

(Added by Stats. 1949, Ch. 1185.)

**Powers** 24334. The powers of the district shall be as provided in this chapter unless provided otherwise by this article.

(Added by Stats. 1949, Ch. 1185.)

**Ex officio board** 24335. The boards of supervisors of the several zones comprising the unified district shall be, ex officio, the air pollution control board of the district.

(Added by Stats. 1949, Ch. 1185.)

24336. All county officers, their assistants, clerks, deputies, and employees of the several counties in the district and all other county employees of the zones within the district shall be ex officio officers, assistants, deputies, clerks, and employees of the district only within the zone in which they are employed.

Ex officio  
officers, etc.

(Added by Stats. 1949, Ch. 1185.)

24337. The boards of supervisors of each zone in the district shall appropriate such funds as are necessary to carry out the purposes of such air pollution control districts, as determined by the air pollution control board, in the proportion that the population of said zone at the date of merger bears to the total population of the district at the date of merger.

Funds

(Added by Stats. 1949, Ch. 1185.)

24338. All such appropriations are legal charges against the county in which the board of supervisors voted the appropriation.

Charges

(Added by Stats. 1949, Ch. 1185.)

24339. The treasurers of the several counties within the district shall pay the amount appropriated by the board of supervisors of their county into the treasury of the district.

Payment  
into treasury

(Added by Stats. 1949, Ch. 1185.)

24340. The district treasurer shall be in the custody of the county treasurer of the largest zone, in terms of population at the date of merger, in the district and said treasurer shall be the unified air pollution control district treasurer.

District  
treasury

(Added by Stats. 1949, Ch. 1185.)

24341. Whenever any person duly subpoenaed to appear and give evidence or to produce any books and papers before the hearing board neglects or refuses to appear, or to produce any books and papers, as required by the subpoena, or refuses to testify or to answer any question which the hearing board decides is proper and pertinent, he shall be deemed in contempt, and the hearing board shall report the fact to the judge of the superior court of the county in which the person resides.

Contempt

(Added by Stats. 1949, Ch. 1185.)

### CHAPTER 3. CONVALESCENT COLONY

(Chapter 3 added by Stats. 1939, Ch. 106, as part of codification)

24380. There is in the State Government a board known as the "Convalescent Colony Board," which is composed of the Director of Institutions, the Director of Public Health, the Director of Education, the Chief of the Bureau of Tuberculosis, and the Chief of the Bureau of Vocational Rehabilitation of the State Department of Education.

Convalescent  
Colony Board

24381. The Department of Finance may accept in the name of the people of the State gifts of land suitable for a convalescent colony or receive contributions from any source for the purchase, or the care and maintenance of, land; however, before the gifts of land or contributions can be accepted by

Gifts and  
contributions



the Department of Finance the acceptance shall be recommended by resolution, duly adopted, of the Convalescent Colony Board.

**Acceptance of gifts** 24382. The gifts of land or contributions may be accepted by the Department of Finance at its discretion subject to such conditions or restriction as the Convalescent Colony Board with the approval of the Director of Finance may deem advisable, the conditions or restrictions to be clearly set forth in a resolution recommending the acceptance of the gifts of land or contributions and in the instruments of conveyance.

**Examination of title** 24383. Before accepting the conveyance of the land the Department of Finance shall have the title examined and shall not accept title from the grantor or donor unless a good and merchantable title free and clear of all taxes, liens, or other financial encumbrances is shown to be vested in the grantor or donor. The title shall be passed upon and approved by the Attorney General.

**Use of colony** 24384. The convalescent colony shall be for the use of persons convalescing from tuberculosis who may have been patients in public or private sanatoria, children convalescing from hospital care under the provisions of Division 1, Part 1, Chapter 2, Article 2, and persons recovering from heart disease or injuries received in industry who need rehabilitation.

The colony shall not be for the use of persons recovering from habit forming drugs, inebriacy, or mental illnesses.

**Lease of lands** 24385. The lands may be leased by the board with the approval of the Director of Finance and any money received from the use of the lands, from the sale of products therefrom, or any contributions shall be paid into the State Treasury to the credit of the Convalescent Colony Fund, which fund is continued in existence and is appropriated for the support of the convalescent colony, for expenditure as the board, with the approval of the Department of Finance, may determine.

#### CHAPTER 4. ABANDONED EXCAVATIONS

**Covering or fencing: Private land** 24400. Every person owning land in fee simple or in possession thereof under lease or contract of sale who knowingly permits the existence on the premises of any abandoned mining shaft, pit, well, septic tank, cesspool, or other abandoned excavation dangerous to persons legally on the premises, or to minors under the age of twelve years, who fails to cover or fence securely any such dangerous abandoned excavation and keep it so protected, is guilty of a misdemeanor.

(Amended by Stats. 1949, Ch. 136.)

**Public land** 24401. The board of supervisors may order securely covered or fenced abandoned mining excavations on unoccupied public lands in the county.

**Unoccupied land** 24402. The board of supervisors shall order securely fenced or covered any abandoned mining shaft, pit, or other excavation on unoccupied land in the county whenever it appears to them, by proof submitted, that the excavation is

dangerous or unsafe to man or beast. The cost of covering or fencing is a county charge.

24403. Every person who maliciously removes or destroys any covering or fencing placed around any shaft, pit, or other excavation, as provided in this article, is guilty of a misdemeanor. Malicious removal

## CHAPTER 5. MISCELLANEOUS PENAL PROVISIONS

24800. Every person charged with the performance of any duty under the laws of this State relating to the preservation of the public health, who wilfully neglects or refuses to perform the same, is guilty of a misdemeanor. Penalty

## CHAPTER 6. SEPTIC TANKS, CESSPOOLS AND SEEPAGE PITS (Chapter 6 added by Stats. 1945, Ch. 1015.)

25000. The provisions of this chapter shall not apply to any city, town, county, sanitary district, sanitation district, sewer maintenance district or to any agency or institution of the State or the Federal Government by reason of the cleaning of septic tanks, cesspools, sewage seepage pits or sewage works which are owned and operated by any of said governmental agencies or institutions. Exemption of public agency

(Added by Stats. 1945, Ch. 1015.)

25001. It is unlawful for any person or firm to carry on or engage in the business of the cleaning of septic tanks, cesspools or sewage seepage pits or to dispose of the cleanings therefrom in any city, town, county, or city and county unless he or it shall hold an unrevoked registration issued by the local health officer or his duly authorized representative of said city, town, county, or city and county for the carrying on of said business. License to clean

(Added by Stats. 1945, Ch. 1015.)

25002. It is unlawful for any person to clean septic tanks, cesspools or sewage seepage pits or to dispose or aid in the disposal of the cleanings thereof, for any person or firm engaged in the business of cleaning out septic tanks, cesspools or sewage seepage pits or disposing of the cleanings thereof who does not hold an unrevoked registration as provided in this chapter. Registration

(Added by Stats. 1945, Ch. 1015.)

25003. All applications for registration under this chapter shall be filed with the local health officer in the city, town, county, or city and county in which it is desired to carry on the business. The application shall state the name in full, if a partnership then names of each of the partners, the relation of the applicant to the firm or partnership, the place of business and place of residence of the applicant for registration and of each of the partners in the business, if a partnership. The application shall be signed by the authorized officer of a corporation, if a corporation; or by the managing partner, if a partnership. Application for registration

(Added by Stats. 1945, Ch. 1015.)

Examination	<p>25004. Registration shall be issued only after a satisfactory examination by the health officer or his duly authorized representative covering the equipment to be used, the applicant's knowledge of sanitary principles and of the laws and ordinances affecting human health or nuisances, and the reliability of the applicant in observing sanitary laws, ordinances and directions, and in selecting laborers and employees who may clean out septic tanks, cesspools and sewage seepage pits without endangering human health or comfort; and only after examination of the place or places and manner of disposal of the cleanings proposed by said applicant.</p> <p>(Added by Stats. 1945, Ch. 1015.)</p>
Action on application	<p>25005. The health officer is required to act upon each application within thirty (30) days of the date of filing same.</p> <p>(Added by Stats. 1945, Ch. 1015.)</p>
Registration period	<p>25006. Registration shall be only for the unexpired portion of the calendar year in which application is made, and at the end of the calendar year all registrations shall become void and of no effect.</p> <p>(Added by Stats. 1945, Ch. 1015.)</p>
Conditions of registration	<p>25007. Applicants may be registered under such terms, conditions, orders and directions as the health officer or his duly authorized representative may deem necessary for the protection of human health and comfort. Each health officer and his duly authorized representative are hereby empowered to require any and all persons who are registered with him to clean septic tanks, cesspools or sewage seepage pits or to dispose of the cleanings therefrom, to file with the health officer at any time and at such frequency or intervals as he may desire, a statement giving the name and address of the owner or tenant of each and every one of the premises where a septic tank, cesspool or sewage seepage pit shall have been cleaned out by said registrant or his employees or by others on his behalf and said statement shall also describe in precise terms the place where the cleanings shall have been disposed of and by whom. The health officer is empowered to require such statements to be sworn to before a notary.</p> <p>(Added by Stats. 1945, Ch. 1015.)</p>
Change of address	<p>25008. A change of address of any registrant including a member of a partnership which is registered and of the place of business thereof shall be reported in writing by registered mail by the registrant within two days after said change of address.</p> <p>(Added by Stats. 1945, Ch. 1015.)</p>
Revocation of registration	<p>25009. Any registration issued under this chapter may be revoked by the issuing health officer for cause on 10 days' notice to applicant, which notice shall be served by registered mail or in person at the latest place of residence or of business reported by the applicant.</p> <p>(Added by Stats. 1945, Ch. 1015.)</p>
Penalty	<p>25010. Violation of any of the provisions of this chapter or of any order or orders of a health officer made pursuant to</p>



this chapter for the protection of human health and comfort shall constitute a misdemeanor and shall be punishable by a fine of not less than one hundred dollars (\$100) for each offense or by imprisonment for not less than thirty (30) days or by both such fine and imprisonment.

(Added by Stats. 1945, Ch. 1015.)

## DIVISION 21. DRUGS, FOODS AND COSMETICS

(Division 21 added by Stats. 1939, Ch. 730)

### CHAPTER 2. DRUGS

(Chapter 2 added by Stats. 1939, Ch. 730)

#### Article 1. General Provisions

(Article 1 added by Stats. 1939, Ch. 730)

26200. "Drug" means (1) articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any article specified in clause (1), (2), or (3).

(Added by Stats. 1939, Ch. 730.)

26200.5. Any concentrated substance represented for use by man because of its vitamin content when medicinal claims are made on the label, shall, on its label and in its printed or written advertising, bear the common or usual name of each vitamin on which such use is based. If such use is based on the content of Vitamin A, Vitamin B1 or thiamin, Vitamin C or ascorbic acid, Vitamin D, riboflavin or niacin, the label or printed or written advertising shall bear or contain a statement of the proportion of such vitamin expressed as international units, pharmacopoeia, or other accepted standard units.

(Added by Stats. 1941, Ch. 1210; amended by Stats. 1943, Ch. 779.)

26201. "Drug" does not include devices or their components, parts, or accessories.

(Added by Stats. 1939, Ch. 730.)

26202. "Device" means instruments, apparatus and contrivances, including their components, parts and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or (2) to affect the structure or any function of the body of man or other animals.

(Added by Stats. 1939, Ch. 730.)

26203. "Official compendium" means the Official United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, official National Formulary, or any supplement to any of them.

(Added by Stats. 1939, Ch. 730.)

- "Label"** 26204. "Label" means a display of written, printed or graphic matter upon the immediate container of any article.  
(Added by Stats. 1939, Ch. 730.)
- Labeling requirements** 26205. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper.  
(Added by Stats. 1939, Ch. 730.)
- "Immediate container"** 26206. "Immediate container" does not include package liners.  
(Added by Stats. 1939, Ch. 730.)
- "Labeling"** 26207. "Labeling" means all labels and other written, printed or graphic matter (1) upon an article or any of its containers or wrappers, or (2) accompanying such article.  
(Added by Stats. 1939, Ch. 730.)
- Determination of misleading labeling, etc.** 26208. If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, then in determining whether the labeling or advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, emblem, sound, or in any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual.  
(Added by Stats. 1939, Ch. 730.)
- "Advertisement"** 26209. The term "advertisement" means all representations including, but not limited to, statements upon containers, packages, cartons, and any other container, disseminated in any manner or by any means, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.  
(Added by Stats. 1939, Ch. 730; amended by Stats. 1941, Ch. 1210, by Stats. 1943, Ch. 779, and by Stats. 1951, Ch. 1615.)
- Representation as antiseptic** 26210. The representation of a drug, in its labeling or advertisement, as an antiseptic shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.  
(Added by Stats. 1939, Ch. 730.)
- "New drug"** 26211. "New drug" means (1) any drug the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience

to evaluate the safety of drugs, as safe for use under the conditions prescribed, recommended, or suggested in the labeling thereof; or (2) any drug the composition of which is such that such drug, as a result of investigations to determine its safety for use under such conditions, has become recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

(Added by Stats. 1939, Ch. 730.)

26211.5. "Prescription" means an order given individually for the person for whom prescribed, directly from the prescriber to the furnisher or indirectly by means of an order signed by the prescriber and shall bear the name and address of the prescriber, his license classification, the name and address of the patient, name and quantity of drug or drugs prescribed, directions for use and the date of issue.

"Prescription"

(Added by Stats. 1951, Ch. 1615.)

26212. The term "contaminated with filth" applies to any drug or device not securely protected from dust, dirt, and as far as may be necessary by all reasonable means, from all foreign or injurious contaminations.

"Contaminated with filth"

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26213. The provisions of this chapter regarding the selling of drugs and devices, shall be considered to include the manufacture, production, processing, packing, exhibition, offering, possessing, and holding of any such article for sale; the sale, dispensing, and giving of any such article; and the supplying or applying of any such articles in the conduct of any establishment.

Construction

(Added by Stats. 1939, Ch. 730.)

26214. "Package" includes any phial, bottle, jar, demijohn, carton, bag, case, can, box or barrel or any receptacle, vessel or container of whatsoever material or nature which may be used by a manufacturer, producer, jobber, packer or dealer, for inclosing or containing any drug.

"Package"

(Added by Stats. 1939, Ch. 730.)

26215. "Federal act" means the Federal Food, Drug and Cosmetic Act.

"Federal act"  
U.S.C., Title  
21, Ch. 9

(Added by Stats. 1939, Ch. 730.)

26216. The sections contained in Chapter 2 of Division 21 of the Health and Safety Code may be known as the California Pure Drugs Act.

Title

(Added by Stats. 1943, Ch. 779.)

## Article 2. Adulteration

(Article 2 added by Stats. 1939, Ch. 730)

26230. A drug shall be deemed to be adulterated if, when a drug is sold under or by a name recognized in an official compendium, it differs from the standard of strength, quality

Variance  
from  
standards



or purity as determined by the test laid down in the official compendium at the time of investigation.

(Added by Stats. 1939, Ch. 730.)

Where  
difference  
plainly  
stated  
on label

26231. No drug defined in an official compendium shall be deemed to be adulterated under Section 26230 because it differs from the standard of strength, quality or purity therefor set forth in such compendium, if its difference in strength, quality or purity from such standard is plainly stated on its label.

(Added by Stats. 1939, Ch. 730.)

Require-  
ments appli-  
cable

26232. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homoeopathic Pharmacopoeia of the United States it shall be subject to the requirements of the United States Pharmacopoeia unless it is labeled and offered for sale as a homoeopathic drug, in which case it shall be subject to the provisions of the Homoeopathic Pharmacopoeia of the United States and not to those of the United States Pharmacopoeia.

(Added by Stats. 1939, Ch. 730.)

When  
deemed  
adulterated

26233. A drug shall be deemed to be adulterated if its strength differs or its purity falls below the professed standard or quality under which it is sold.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1951, Ch. 1615.)

Components,  
production,  
etc.

26234. A drug or device shall be deemed to be adulterated (1) if it consists in whole or in part of any filthy, putrid or decomposed substance; or (2) if it has been produced, prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health.

(Added by Stats. 1939, Ch. 730.)

Components,  
coloring,  
etc.

26235. A drug shall be deemed to be adulterated (1) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; (2) if it bears or contains, for purposes of coloring only a coal-tar color other than one from a batch certified by the Federal Security Agency Food and Drug Administration; (3) if it is not subject to the provisions of Section 26230 and its strength differs from, or its purity or quality falls below, that which it purports or is represented to possess; or (4) if any substance has been (a) mixed or packed therewith so as to reduce its quality or strength; or (b) substituted wholly or in part therefor.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1951, Ch. 1615.)

### Article 3. Misbranding

(Article 3 added by Stats. 1939, Ch. 730)

"Mis-  
branded"

26240. The term "misbranded" shall apply to all drugs or devices, the package or label of which bears any statement, design, or emblem regarding such article or the ingredients

or substances contained therein which shall be false or misleading in any particular, and to any drug or device which is falsely branded or labeled as to the county, city and county, city, town, State, Territory, District of Columbia, or foreign country in which it is manufactured or produced.

(Added by Stats. 1939, Ch. 730.)

26241. A drug or device shall be deemed to be misbranded if in package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count. Contents of label

Under clause (2) of this section reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the board.

(Added by Stats. 1939, Ch. 730.)

26242. A drug or device shall be deemed to be misbranded if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or emblems, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. Same: Display

(Added by Stats. 1939, Ch. 730.)

26243. A drug shall be deemed to be misbranded if it is not designated solely by a name recognized in an official compendium unless its label bears (1) the common or usual name of the drug, if such there be; and (2) in case it is fabricated from two or more ingredients, the common or usual name of each active ingredient, including the kind and quantity or proportion of any alcohol, and also including, whether active or not, the name and quantity or proportion of any bromides, ether, chloroform, acetanilid, acetphenetidin, antipyrine, atropine, hyoscine, hyoscyamine, codeine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, barbituric acid, or any derivative or preparation of any such substances, contained therein.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1941, Ch. 1210.)

26244. A drug or device shall be deemed to be misbranded unless its labeling bears (1) adequate directions for use; and (2) such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users. Directions

If any requirement of clause (1) of this section as applied to any drug or device is not necessary for the protection of the public health, the board shall promulgate regulations exempting such drug or device from such requirements.

(Added by Stats. 1939, Ch. 730.)

**Packaging and labeling** 26245. A drug shall be deemed to be misbranded if it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed therein. The method of packing may be modified with the consent of the board.

(Added by Stats. 1939, Ch. 730.)

**Same** 26246. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homoeopathic Pharmacopoeia of the United States, it shall be subject to the requirements of the United States Pharmacopoeia with respect to packaging and labeling unless it is labeled and offered for sale as a homoeopathic drug, in which case it shall be subject to the provisions of the Homoeopathic Pharmacopoeia of the United States, and not to those of the United States Pharmacopoeia.

(Added by Stats. 1939, Ch. 730.)

**Drug subject to deterioration** 26247. A drug shall be deemed to be misbranded if it has been found by the board to be a drug liable to deterioration, unless it is packaged in such form and manner, and its label bears a statement of such precautions, as the board shall by regulations require as necessary for the protection of public health.

No such regulation shall be established for any drug recognized in an official compendium until the board has informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body has failed within a reasonable time to prescribe such requirements.

(Added by Stats. 1939, Ch. 730.)

**Containers** 26249. A drug shall be deemed to be misbranded (1) if its container is so made, formed, or filled as to be misleading; **Imitation** (2) if it is an imitation of another drug; or (3) if it is offered for sale under the name of another drug.

(Added by Stats. 1939, Ch. 730.)

**Prescriptions in labeling** 26250. A drug or device shall be deemed to be misbranded if it is dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended or suggested in the labeling thereof.

(Added by Stats. 1939, Ch. 730.)

26251. (Added by Stats. 1939, Ch. 730; amended by Stats. 1941, Ch. 1210, by Stats. 1943, Ch. 779 and in identical language by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1951, Ch. 1615.)

**Drug sold on prescription** 26252. A drug sold on a prescription of a member of the medical, dental or veterinary profession (except a drug sold in the course of the conduct of a business selling drugs pursuant to diagnosis by mail) shall be exempt from the requirements of this article if:

(1) Such member of the medical, dental or veterinary profession is licensed by law to administer such drug, and

(2) Such drug bears a label containing the name and place of business of the seller, the serial number and date of such prescription, the name of the person for whom such drug is pre-



scribed, the name of such member of the medical, dental or veterinary profession, and bears directions for use as prescribed by such member of the medical, dental or veterinary profession.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1951, Ch. 1615.)

26253. A drug shall be deemed mislabeled or misbranded: Imitation or substitute

(1) If it be an imitation of or offered for sale under the name of another article;

(2) If the contents of the package as originally put up have been removed, in whole or in part, and other contents have been placed in such package.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779 and by Stats. 1951, Ch. 1615.)

26254. A drug shall be deemed to be misbranded if the package as offered for sale at retail or wholesale fails to bear a statement on the label of Morphine, etc.

(1) The quantity of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, barbituric acid, bromal, carbromal, coca, marihuana, paraldehyde, peyote, or sulphonmethane, and

(2) The quantity of any chemical derivative of such substances or any derivative or preparation of any such substances, contained therein, which derivative has been by the board after investigation, found to be, and by regulations under this act, designated as, habit-forming, unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning—may be habit-forming."

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

#### Article 4. Advertising

26270. An advertisement of a drug or device shall be deemed to be false if it is false or misleading in any material particular. False advertisement

(Added by Stats. 1939, Ch. 730.)

26271. No person shall compound for, give, or sell to any person any drugs, medicines, or other substances advertised, called for, labeled, or to be used for, the cure or treatment of gonorrhea, syphilis, chaneroid, lymphogranuloma inguinale, or granuloma inguinale except upon prescription of a duly licensed physician. Such prescription shall not be transferable to any person except the patient whose name appears thereon, and shall be kept on file by the person or firm providing the drug, medicine, or substance for two years during which it shall be open to inspection by any authorized agent of the State Department of Public Health. Prescriptions containing sulfanilamide, its compounds or derivatives, issued under this section, cannot be refilled without the order of the physician who prescribed same. Prescription for venereal disease drugs, etc.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1941, Ch. 1210, and by Stats. 1943, Ch. 779; repealed and added by renumbering by Stats. 1951, Ch. 1615.)

26271(a). (Added by Stats. 1943, Ch. 779; amended and renumbered by Stats. 1951, Ch. 1615, to be 26271.)

Exception

26272. An advertisement not in violation of Section 26270 is not prohibited under Section 26286.5 if it is disseminated only to members of the medical, dental, pharmaceutical, or veterinary professions, or appears only in the scientific periodicals of these professions, or is disseminated only for the purpose of public health education by persons not commercially interested, directly or indirectly, in the sale of such drugs or devices.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1951, Ch. 1615.)

Safe self-medication

26273. Whenever the board determines that an advance in medical science has made any type of self-medication safe as to any of the diseases named in Section 26286.5, the board shall by regulation authorize the advertisement of drugs having curative or therapeutic effect for such disease, subject to such conditions and restrictions as the board may deem necessary in the interests of public health.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1951, Ch. 1615.)

Construction of article

26274. This chapter shall not be construed as indicating that self-medication for diseases other than those named is safe or efficacious.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1951, Ch. 1615.)

Liability under article

26275. No publisher, radio-broadcast licensee, or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the drug or device to which a false advertisement relates, shall be liable under this article by reason of the dissemination by him of such false advertisement, unless he has refused, on the request of the board to furnish the board the name and post-office address of the manufacturer, packer, distributor, seller or advertising agency, residing in the State of California who causes him to disseminate such advertisement.

(Added by Stats. 1939, Ch. 730.)

## Article 5. Prohibitions

(Article 5 added by Stats. 1939, Ch. 730)

Manufacture, etc.

26280. The manufacture, production, preparation, compounding, packing, selling, offering for sale, advertising or keeping for sale within the State of California, or the introduction into this State from any other State, Territory, or the District of Columbia, or from any foreign country, of any drug or device which is adulterated or misbranded is prohibited.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26281. Any person who imports or receives from any other State or Territory or the District of Columbia or from any foreign country, or who having so received delivers for pay or otherwise or offers to deliver to any other person, any drug or device which is adulterated or misbranded, or any person who manufactures, produces, prepares, compounds, packs, sells, offers for sale, or keeps for sale, in the State of California any such adulterated or misbranded drug or device shall be guilty of a misdemeanor punishable as provided in Section 26295.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26282. No article shall be deemed misbranded or adulterated within the provisions of this chapter when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which the article is intended to be shipped.

If the article is in fact sold or offered for sale for domestic use or consumption, then this section shall not exempt the article from the operation of any of the other provisions of this chapter.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26283. The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to, a drug or device is unlawful if such act results in such article being misbranded.

(Added by Stats. 1939, Ch. 730.)

26284. Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification emblem authorized or required by regulations promulgated under the provisions of this chapter is prohibited.

(Added by Stats. 1939, Ch. 730.)

26285. The adulteration or misbranding of any drug or device is prohibited.

(Added by Stats. 1939, Ch. 730.)

26286. The dissemination of any false advertisement of a drug or device is prohibited.

(Added by Stats. 1939, Ch. 730.)

26286.5. The advertisement of a drug or device represented to have any effect in any of the following diseases is unlawful and prohibited: albuminuria, appendicitis, arteriosclerosis, blood poison, bone disease, Bright's disease, cancer, carbuncles, cholecystitis, diabetes, cataracts, diphtheria, dropsy, erysipelas, gallstones, heart and vascular diseases, high blood pressure, mastoiditis, measles, meningitis, dental caries, mumps, nephritis, otitis media, paralysis, pneumonia, poliomyelitis (infantile paralysis), prostate gland disorders, pyelitis, alcoholism, erosion, periodontal diseases, epilepsy, goiter, scarlet fever, sexual impotence, sinus infection, smallpox, encephalitis, tumors,



typhoid, uremia, venereal disease, whooping cough, tuberculosis, ulcers of the stomach, and varicose ulcers.

(Added by Stats. 1951, Ch. 1615.)

Representa-  
tion as  
new drug

26287. The using on the labeling of any drug or in any advertisement relating to such drug of any representation or suggestion that an application with respect to such drug is effective under Section 26288 or that such drug complies with the provisions of that section is prohibited.

(Added by Stats. 1939, Ch. 730.)

New drugs

26288. The sale, offering for sale, holding for sale, delivering or giving away of any new drug is unlawful and prohibited unless (1) an application with respect thereto has become effective under Section 505 of the federal act, or (2) if the drug is not subject to the federal act unless such drug has been tested and has not been found to be unsafe for use under the conditions prescribed, recommended, or suggested in the labeling thereof, and prior to selling or offering for sale such drug there has been filed with the board an application setting forth:

Application

(a) Full reports of investigations which have been made to show whether or not such drug is safe for use;

(b) A full list of the articles used as components of such drug;

(c) A full statement of the composition of such drug;

(d) A full description of the methods used in, and the facilities and controls used for, the manufacture, processing and packing of such drug;

(e) Such samples of such drug and of the articles used as components of the drug as the board may require; and

(f) Specimens of the labeling proposed to be used for such drug.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1951, Ch. 1615.)

When  
effective

26289. An application provided for in Subdivision (2) of Section 26288 shall become effective on the sixtieth day after the filing thereof.

(Added by Stats. 1939, Ch. 730.)

Finding  
and order

26290. If the board finds after due notice to the applicant and giving him an opportunity for a hearing, that the drug is not safe for use under the conditions prescribed, recommended or suggested in the proposed labeling thereof, the board shall, prior to the effective date of the application, issue an order refusing to permit the application to become effective.

(Added by Stats. 1939, Ch. 730.)

Revocation  
of refusal

26291. An order refusing to permit an application under this section to become effective may be revoked by the board.

(Added by Stats. 1939, Ch. 730.)

Exceptions

26292. Section 26288 shall not apply—

(1) To a drug intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety in drugs, if the drug is plainly labeled "For investigational use only"; or

(2) To a drug sold in this State at any time prior to the effective date of this chapter or introduced into interstate commerce at any time prior to the enactment of the Federal act; or

(3) To any drug which is licensed under the Federal Virus, Serum, and Toxin Act of July 1, 1902. U.S.C., Title 42, Ch. 4

(Added by Stats. 1939, Ch. 730.)

26293. The possession, sale, or offering for sale of any adulterated, mislabeled or misbranded drugs or devices by any manufacturer, producer, jobber, packer or dealer in drugs or devices, or broker, commission merchant, agent, employee or servant of any such manufacturer, producer, jobber, packer, or dealer shall be prima facie evidence of the violation of this chapter. Evidence

(Added by Stats. 1939, Ch. 730.)

26295. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25) or more than five hundred dollars (\$500), or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Penalties

If the violation is committed after a conviction of such person under this section has become final, such person shall be subject to imprisonment for not more than one year in the county jail, or a fine of not more than one thousand dollars (\$1,000), or both such imprisonment and fine.

(Added by Stats. 1939, Ch. 730.)

26296. No dealer shall be prosecuted under the provisions of this chapter if after receipt of an article he has used reasonable care in the use and handling thereof and he can produce a guaranty signed by the wholesaler, jobber, manufacturer, or other party located or residing in the United States from whom he purchased such article, to the effect that the same is not adulterated, or misbranded within the meaning of this chapter; provided, however, that as to drug contained in an original unbroken package, no retailer, who after the receipt of such package has used reasonable care in the use and handling thereof, shall be prosecuted under this chapter for a violation of any provision thereof in connection with any article received by such retailer in the regular channels of trade and as usual first-class merchantable stock and not as seconds, or damaged articles or merchandise or job lots purchased under such conditions as to put the purchaser on notice that such merchandise was not regular first-class merchandise. The guaranty must be dated prior to the date of sale of the article. Guaranty

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26297. Such guaranty may be either general or special and must be produced prior to the time of certification of facts to the district attorney for prosecution. Same

(Added by Stats. 1939, Ch. 730.)

General  
guaranty

26298. A general guaranty shall guarantee without condition or restriction all of the products or articles produced, prepared, compounded, packed, distributed, or sold by the guarantor as not adulterated, mislabeled or misbranded within the meaning of this chapter.

(Added by Stats. 1939, Ch. 730.)

Special  
guaranty

26299. A special guaranty shall guarantee in the same manner as a general guaranty the particular articles listed in an invoice of the articles, and shall be attached to or shall fully identify such invoice.

(Added by Stats. 1939, Ch. 730.)

Seller's  
name, etc.

26300. To afford protection all guaranties must contain the name and address of the party or parties making the sales of such articles to the person.

(Added by Stats. 1939, Ch. 730.)

Article  
covered

26301. A guaranty shall protect a person only where the article covered by such guaranty remains identical, both as to composition and labeling, with the article as composed and labeled when received by the person from the guarantor.

(Added by Stats. 1939, Ch. 730.)

Guaranty  
under Fed-  
eral act

26302. If the guaranty is to the effect that such article is not adulterated or misbranded within the meaning of the Federal act, it shall be sufficient for all the purposes of this chapter and have the same force and effect as though it referred to this chapter whether given by a person residing in the United States or elsewhere, unless at any time the standard for the article concerned under this chapter is higher than the standard for a like article under the Federal act.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

Nonresident  
guarantor

26303. In case the wholesaler, jobber, manufacturer or other party making such guaranty to the person resides without this State and it appears from the certificate of the Chief of the Bureau of Laboratories that such article or articles were adulterated or misbranded, within the meaning of this chapter or the Federal act, the district attorney must forthwith notify the Attorney General of the United States of such violation.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

## Article 6. Administration

(Article 6 added by Stats. 1939, Ch. 730)

Standards  
of purity

26320. The standards of purity of drugs shall be the United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, and the National Formulary.

(Added by Stats. 1939, Ch. 730.)

Regulations

26321. The authority to promulgate regulations for the efficient enforcement of this chapter is vested in the board. The board is authorized to make the regulations promulgated under this chapter conform, in so far as practicable, to those promulgated under the Federal act. The violation of a regulation



promulgated under this chapter shall be deemed to be a violation of this chapter.

(Added by Stats. 1939, Ch. 730.)

26322. Hearings authorized or required by this chapter shall be conducted by the board or such officer, agent, or employee as the board may designate for the purpose. Hearings

(Added by Stats. 1939, Ch. 730.)

26323. Before promulgating any regulation, the board shall give appropriate notice of the proposal and of the time and place for a hearing. The regulation so promulgated shall become effective on a date fixed by the board. The effective date shall not be prior to 90 days after the promulgation of the regulation. Such regulation may be amended or repealed in the same manner as is provided for its adoption. Notice  
Effective  
date of  
regulations

In the case of a regulation amending or repealing any regulation the board, to such an extent as it deems necessary in order to prevent undue hardship, may disregard the foregoing provisions regarding notice, hearing, or effective date.

(Added by Stats. 1939, Ch. 730.)

26324. The board shall require examinations to be made of samples secured under the provisions of this chapter to determine whether or not any provision of this chapter is being violated. Examinations

(Added by Stats. 1939, Ch. 730.)

26325. The board may appoint such agents as it may deem necessary. Agents of  
board

(Added by Stats. 1939, Ch. 730.)

26326. The sheriffs of the respective counties of the State are hereby appointed agents for the enforcement of this chapter. Sheriffs

(Added by Stats. 1939, Ch. 730.)

26327. Any agent shall have free access, at all reasonable hours, for the purpose of examining any place where it is suspected that any article of adulterated or misbranded drugs and devices exist. Inspection

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26328. If a sale is refused upon a tender of the market price of the articles, the agent may take from any person samples of any articles suspected of being adulterated or misbranded, and shall deliver or forward such samples to the State laboratory for examination and analysis. Samples

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26329. The Chief of the Bureau of Food and Drug Inspections and the agents and inspectors of the board shall have the powers possessed by peace officers in this State. Powers of  
agents, etc.

(Added by Stats. 1939, Ch. 730.)

26330. The board or its duly authorized agent shall have free access at all reasonable hours to any factory, warehouse, or establishment in which drugs or devices are manufactured, processed, packed, or held for introduction into commerce, or Inspection

to enter any vehicle being used to transport or hold such drugs and devices, in commerce, for the purpose:

(1) of inspecting such factory, warehouse, establishment, or vehicle to determine if any of the provisions of this chapter are being violated; and

(2) to secure samples or specimens of any drugs and devices after paying or offering to pay for such sample.

(Added by Stats. 1939, Ch. 730.)

Report of  
violation

26331. Whenever it has satisfactory evidence of the violation of any of the provisions of this chapter respecting the adulteration or misbranding of drugs and devices and after the hearing provided in Section 26340, the department shall report such facts to the district attorney of the county where the law is violated.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1945, Ch. 1009.)

Written  
notice or  
warning

26332. Nothing in this chapter shall be construed as requiring the board to report for the institution of proceedings under this chapter, minor violations of this chapter, whenever the board believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning.

(Added by Stats. 1939, Ch. 730.)

Reports of  
court action

26333. The board may cause to be published from time to time reports summarizing all judgments, decrees, and court orders which have been rendered under this chapter, including the nature of the charge and the disposition thereof.

(Added by Stats. 1939, Ch. 730.)

Information

26334. The board may cause to be disseminated such information regarding drugs and devices as the board deems necessary in the interest of public health and the protection of the consumer against fraud. Nothing in this section shall be construed to prohibit the board from collecting, reporting, and illustrating the results of the investigations of the board.

(Added by Stats. 1939, Ch. 730.)

Penalty

26335. Any person who refuses to sell to any agent of the board any sample of drug or device upon tender of the market price therefor, or who conceals any such drug or device from such officer, or who withholds from the officer information respecting the place where such drug or device is kept or stored is guilty of a misdemeanor punishable as provided in section 26295.

(Added by Stats. 1939, Ch. 730.)

Analyses

26336. The director shall require the Chief of the Division of Laboratories to make examinations and analyses of drugs or devices which are on sale in California and which are suspected of being adulterated or misbranded.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779, and by Stats. 1945, Ch. 1009.)

Report on  
adulteration,  
etc.

26337. Whenever evidence indicates or examination or analysis show that adulterated or misbranded drugs and devices have been on sale in this State, the Chief of the Division of Lab-

oratories of the State department shall forthwith report to the director and shall promptly transmit a certificate of the facts so found.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779, and by Stats. 1945, Ch. 1009.)

26338. Whenever evidence indicates that adulterated or misbranded drugs or devices have been on sale in this State, the Chief of the Bureau of Food and Drug Inspections shall forthwith report to the secretary of the board and shall promptly transmit a certificate of the facts so found. Same

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26339. Every certificate certified to by the Chief of the Division of Laboratories or by the Chief of the Bureau of Food and Drug Inspections shall be prima facie evidence of the facts therein stated. Evidence

(Added by Stats. 1939, Ch. 730.)

26340. When the certificate certified to by the Chief of the Division of Laboratories of the State department or when the certificate certified to by the Chief of the Bureau of Food and Drug Inspections shows that any provisions of this chapter have been violated, notice of that fact, together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained, or who executed the guaranty, as provided in this chapter. A time at which the parties may be heard shall be set. Notice of violation

(Added by Stats. 1939, Ch. 730; amended by Stats. 1945, Ch. 1009.)

26341. The hearings shall be held at such place as the board or the person conducting the hearing may designate. The hearings shall be private and confined to the consideration of fact. Parties interested may appear in person or by attorney and may propound interrogatories and submit oral or written evidence to show any fault or error in the findings made by the State laboratory. Hearings

(Added by Stats. 1939, Ch. 730.)

26342. If the examination or analysis is found to be correct, or if the party fails to appear at such hearing after notice duly given, director shall forthwith transmit a certificate of the facts so found to the district attorney of the county in which the adulterated or misbranded drugs or devices were found. No publication of the facts found shall be made until the conclusion of the hearing. Report to district attorney

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779, and by Stats. 1945, Ch. 1009.)

26343. On or before August 1st of each year, the Chief of the Division of Laboratories of the State department shall make an annual report to the board upon adulterated or misbranded drugs and devices. The report shall include the list of cases examined by him in which adulterants were found, the list of articles found to be misbranded, and the names of the manufacturers, producers, jobbers and sellers. The Chief of Reports:  
Division of  
Laboratories



- Bureau of Food and Drug Inspections** the Bureau of Food and Drug Inspections shall report at the same time on all activities of that bureau.  
(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)
- Reports of board** 26344. The board may include the reports, or any parts thereof, in the report which the board makes to the Governor.  
(Added by Stats. 1939, Ch. 730.)
- Quarantine** 26360. Whenever a duly authorized agent of the board finds, or has probable cause to believe, that any drug or device is adulterated, or so misbranded as to be dangerous or fraudulent, he shall affix to such article a tag or other appropriate marking giving notice that such article is, or is suspected of being, adulterated or misbranded and has been detained or quarantined, and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court.  
(Added by Stats. 1939, Ch. 730.)
- Same** 26361. Whenever the findings of the State laboratory or of the Chief of the Bureau of Food and Drug Inspections show after investigation and examination that any drug or device found in the possession of any person is adulterated or misbranded the drug or device may be seized and quarantined.  
(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)
- Prohibition on disposition** 26362. The drug or device shall not thereafter be sold, offered for sale, removed or otherwise disposed of until further notice in writing from the director or the Chief of the Bureau of Food and Drug Inspections.  
(Added by Stats. 1939, Ch. 730; amended by Stats. 1945, Ch. 1009.)
- Reports of seizures** 26363. The Chief of the Bureau of Food and Drug Inspections shall report immediately to the director all actions relating to the seizure of such drugs and devices and their release.  
(Added by Stats. 1939, Ch. 730; amended by Stats. 1945, Ch. 1009.)
- Destruction of articles** 26364. Drugs or devices found to be adulterated or misbranded may, by order of a court or judge, or in the absence of such an order, with the written consent of the owner thereof, be seized or destroyed.  
(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)
- Jurisdiction of courts** 26365. Any superior or inferior court of this State shall have power to condemn drugs and devices under the provisions of this article.  
(Added by Stats. 1939, Ch. 730.)
- Proceedings to condemn** 26366. When an article is found to be adulterated or misbranded, and is detained or quarantined under this article, the board shall commence proceedings in the name of the people of the State of California against such article in the superior court of the county or city and county in which the article is

detained or quarantined by petitioning said court for a judgment to forfeit, condemn and destroy such article. Upon the filing of such petition, the clerk of said court shall fix a time and place for the hearing thereof, and cause notices thereof to be prepared notifying all persons who may claim an interest in said article of the time and place of said hearing. A copy of the petition and notice shall be posted for 14 days in at least three public places in the town, city or city and county where the court is held, and in a conspicuous place where such article is detained or quarantined. A copy of the petition and notice shall also be served upon each person in possession of said article and on each owner or claimant whose name and address is known. Said service may be made by personal service or by registered mail to the last known address of such person. At any time prior to the date of the hearing any person in possession of said article, or owner thereof or claimant thereto, may file an answer which may include a prayer for a judgment of release of such article or relief in accordance with Sections 26368 and 26369. At the time set for the hearing the court shall commence to hear and determine said proceeding, but may, for good cause shown, continue the hearing to a day certain; provided, the court shall finally determine all the issues presented by the petition and answer within 60 days after the date when the matter was first set for hearing.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779, and by Stats. 1947, Ch. 656.)

26366.5. If, within 30 days after detention or quarantine of any article under this article, the board has not commenced a proceeding under Section 26366, then the person in possession of such article, or the owner thereof or any claimant thereto, may commence a proceeding in the superior court of the county or city and county in which the article is detained or quarantined, by petitioning said court for a judgment to release said article or for relief under Sections 26368 and 26369. Upon the filing of such petition, the clerk of the court shall fix a time and place for the hearing thereof, and cause notices thereof to be prepared notifying all persons who may claim an interest in the article of the time and place of the hearing. A copy of the petition and notice shall be posted for 14 days in at least three public places in the town, city or city and county where the court is held, and in a conspicuous place where such article is detained or quarantined. A copy of the petition and notice shall also be served upon the board by serving it upon the secretary of said board. Service may be made by personal service or by registered mail addressed to the board at the office of the secretary at San Francisco, California.

Petition for  
release

At the time set for the hearing the court shall commence to hear the proceeding but may, for good cause shown, continue the hearing to a day certain; provided, the court shall finally determine all the issues presented in the proceeding within 60 days after the date when the matter was first set for hearing.

(Added by Stats. 1947, Ch. 656.)

- Destruction**      26367. If the court finds that a detained or quarantined article is adulterated or misbranded, after entry of the decree such article shall be destroyed at the expense of the claimant thereof, under the supervision of an agent of the board. All court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or his agent.  
(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)
- Correction of article**      26368. If the adulteration or misbranding can be corrected by proper labeling or processing of the article, after entry of the decree and after costs, fees and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled or processed, has been executed, the court may by order direct that such article be delivered to the claimant thereof for such labeling or processing under the supervision of an agent of the board. The expense of such supervision shall be paid by the claimant.  
(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)
- Bonds**      26369. The bond shall be returned to the claimant of the article on representation to the court by the board that the article is no longer in violation of this chapter and that the expenses of such supervision have been paid.  
(Added by Stats. 1939, Ch. 730.)
- Removal of tags**      26369.5. If at any time after detention or quarantine, a duly authorized agent of the board finds that an article detained or quarantined is not adulterated or misbranded, such agent shall remove the tag or other marking.  
(Added by Stats. 1947, Ch. 656.)
- Sheriff's duties**      26380. On presentation to him of a verified complaint of the violation of any provisions of this chapter, the sheriff of any county of this State shall at once obtain by purchase a sample of the adulterated or misbranded drug or device complained of, and divide the article into three parts. Each part shall be sealed by the sheriff with a seal provided for that purpose. If the package be less than four pounds in weight or in volume less than two quarts, three packages of approximately the same size shall be purchased and the marks and tags upon each package noted as above.  
(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)
- Same**      26381. One sample shall be delivered to the party from whom procured or to the party guaranteeing such merchandise, one sample shall be sent to the director of the State laboratory, and the third sample shall be sent to, and held under seal by, the board.  
(Added by Stats. 1939, Ch. 730.)
- Fees**      26382. For his services under this chapter the sheriff shall be allowed the same fees for travel allowed by law to sheriffs



on service of criminal process, together with such compensation as the board of supervisors of the county may deem reasonable, and all amounts expended by him in procuring and transmitting samples.

(Added by Stats. 1939, Ch. 730.)

26383. The fees and amount expended shall be audited Same and allowed by the supervisors and paid by the county as other bills of the sheriff.

(Added by Stats. 1939, Ch. 730.)

26384. The district attorney of each county shall prosecute District attorney all violations of the provisions of this chapter occurring within the county.

(Added by Stats. 1939, Ch. 730.)

26385. One-half of all fines collected by any court or Fines judge for the violations of the provisions of this chapter shall be paid into the State Treasury to the credit of the General Fund.

(Added by Stats. 1939, Ch. 730.)

### CHAPTER 3. FOODS

(Chapter 3 added by Stats. 1939, Ch. 731)

#### Article 1. General Provisions

(Article 1 added by Stats. 1939, Ch. 731)

26450. "Food" includes all articles used for food, drink, "Food" liquor, confectionery, condiment, or chewing gum by man or other animals, whether such articles are simple, mixed or compound.

(Added by Stats. 1939, Ch. 731.)

26451. "Package" includes any phial, bottle, jar, demi- "Package" john, carton, bag, case, can, box or barrel or any receptacle, vessel or container of whatsoever material or nature which may be used by a manufacturer, producer, jobber, packer or dealer, for inclosing or containing any article of food.

(Added by Stats. 1939, Ch. 731.)

26452. The term "label" means a display of written, "Label" printed or graphic matter upon the immediate container of any article.

(Added by Stats. 1939, Ch. 731.)

26453. A requirement made by or under authority of this Labeling requirement chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper.

(Added by Stats. 1939, Ch. 731.)

26454. The term "immediate container" does not include "Immediate container" package liners.

(Added by Stats. 1939, Ch. 731.)

"Labeling" 26455. The term "labeling" means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

(Added by Stats. 1939, Ch. 731.)

Determi-  
nation of  
misleading  
labeling, etc.

26456. If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, then in determining whether the labeling or advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, emblem, sound, or in any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual.

(Added by Stats. 1939, Ch. 731.)

"Advertise-  
ment"

26457. The term "advertisement" means all representations or any representation disseminated in any manner or by any means other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of food.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

"Contami-  
nated with  
filth"

26458. The term "contaminated with filth" applies to any food not securely protected from dust, dirt, and as far as may be necessary by all reasonable means, from all foreign or injurious contaminations.

(Added by Stats. 1939, Ch. 731.)

Construction  
of chapter

26459. The provisions of this chapter regarding the selling of food, shall be considered to include the manufacture, production, processing, packing, exposure, offer, possession, and holding of any such article for sale; the sale, dispensing, and giving of any such article; and the supplying or applying of any such articles in the conduct of any food establishment.

(Added by Stats. 1939, Ch. 731.)

"Federal  
act." U.S.C.,  
Title 21,  
Ch. 9

26460. The term "Federal act" means the Federal Food, Drug and Cosmetic Act.

(Added by Stats. 1939, Ch. 731.)

Ag. C., and  
Stats. 1935,  
p. 1123

26461. The provisions of this division shall be so construed as to not be in conflict with the provisions of the Agricultural Code, or with the provisions of the Alcoholic Beverage Control Act and the rules and regulations adopted pursuant thereto, and in the event of a conflict, the provisions of the Alcoholic Beverage Control Act or the rules and regulations adopted pursuant thereto shall control.

(Added by Stats. 1939, Ch. 731.)

Beer

26462. Beer, being subject to the Alcoholic Beverage Control Act in other respects, shall be subject only to the provi-

sions of this chapter which relate to adulteration and misbranding.

(Added by Stats. 1939, Ch. 731.)

26463. The sections contained in Chapter 3 of Division 21 of Title the Health and Safety Code may be known as the California Pure Foods Act. (Short Title.)

(Added by Stats. 1943, Ch. 838.)

## Article 2. Adulteration

(Article 2 added by Stats. 1939, Ch. 731)

26470. A food shall be deemed to be adulterated:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health; or

When  
deemed  
adulterated.  
Components

(2) If it bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of Section 26471; or

(3) If it consists in whole or in part of a diseased, contaminated, filthy, putrid or decomposed substance, or if it is otherwise unfit for food; or

(4) If it has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome or injurious to health; or

Production

(5) If it is the product of a diseased animal or an animal which has died otherwise than by slaughter, or which has been fed upon the uncooked offal from a slaughterhouse; or

(6) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(7) If it is a canned poultry product or products containing poultry meat which does not comply with any standards of freshness and purity prescribed by the board under Article 6 of this chapter, notwithstanding a compliance with the labeling requirements of Section 26494.

Poultry  
products

(Added by Stats. 1939, Ch. 731; amended by Stats. 1941, Ch. 1149.)

26470.5. Nothing in this article shall prohibit the adding of fluorine or fluorine compounds to water intended for sale to the public as bottled water for domestic use in such manner and to such an extent as may be approved by the state department; provided, that the labeling requirements hereinafter set forth in this chapter are met.

Fluorination  
of water

(Added by Stats. 1951, Ch. 1627.)

26471. Any poisonous or deleterious substance added to any food except where such substance is required in the production thereof or can not be avoided by good manufacturing practice, shall be deemed to be unsafe for purposes of the application of clause (2) of Section 26470.

Added  
substances



## Tolerances

If such substance is so required or can not be so avoided, the board shall promulgate regulations limiting the quantity therein or thereon to such extent as the board finds necessary for the protection of public health, and any quantity exceeding the limits so fixed shall also be deemed to be unsafe for purposes of the application of clause (2) of Section 26470.

While such a regulation is in effect limiting the quantity of any such substance in the case of any food, such food shall not, by reason of bearing or containing any added amount of such substance within the tolerance allowed, be considered to be adulterated within the meaning of clause (2) of Section 26470.

In determining the quantity of such added substance to be tolerated in or on different articles of food, the board shall take into account the extent to which the use of such substance is required or can not be avoided in the production of each such article, and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances.

(Added by Stats. 1939, Ch. 731.)

26472. A food shall be deemed to be adulterated:

## Omission

(a) (1) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or

## Substitution

(2) If any substance has been substituted wholly or in part therefor; or

## Concealment

(3) If damage or inferiority has been concealed in any manner; or

## Addition

(4) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength or make it appear better or of greater value than it is.

## Confectionery

(b) If it is confectionery and it bears or contains any alcohol or nonnutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of 1 per centum, harmless natural gum and pectin. This subsection shall not apply to any confectionery by reason of its containing less than one-half of 1 per centum by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing harmless non-nutritive masticatory substances.

## Coal tar

(c) If it bears or contains a coal tar other than one from a batch which has been certified by the Federal Security Agency, Food and Drug Administration.

## Mineral oil

(d) If any mineral oil has been added thereto or mixed or packed therewith.

## Fresh meat

(e) If it be fresh meat and it contains any chemical substance containing sulphites, sulphur dioxide, benzoate of soda or any other chemical preservative, or any substance which is not approved by the United States Bureau of Animal Industry, or the United States Department of Agriculture, or the Bureau of Animal Industry of the California State Department of Agriculture, or the California State Board of Public Health.

(f) If it be chopped or ground beef, or hamburger containing any substance other than the striated muscle of fresh beef; and the total fat content (determined by ether extract method of analysis) is in excess of 25 percent.

Ground  
meat

(g) Nothing in this article shall be deemed to prohibit the introduction into meat or the addition to meat in the preparation of a meat food product as defined in Section 900 (v) of the California Meat Inspection Regulations, of common salt, sugar, wood smoke, cider vinegar, wine vinegar, malt vinegar, sugar vinegar, glucose vinegar, spirit vinegar, pure spices, saltpeter, nitrate of soda, nitrite of soda and potassium nitrite in natural state or in form of brine or pickling solutions; provided, no such substances shall increase the green or original weight by more than 10 percent of products which are not smoked or cooked and by not more than 1 percent of the green or original weight of products which are cooked or smoked. In the case of meat food products such as sausage or sausage loaves, 10 percent added water shall be permitted and allowed in smoked or cooked products of such nature and 3 percent in said products which are not cooked or smoked.

Permitted  
additions

(h) If it be alimentary paste and contains any artificial color derived from coal tar or vegetable substances.

Alimentary  
paste

(i) If it contains any saccharine or other nonnutritive sweetening agent.

Saccharine

(Added by Stats. 1939, Ch. 731; amended by Stats. 1941, Ch. 1042, by Stats. 1943, Ch. 838, by Stats. 1949, Ch. 1346, and by Stats. 1951, Ch. 987.)

26473. Whenever the board finds after investigation that the distribution in the State of California of any class of food may, by reason of contamination with micro-organisms during manufacture, processing or packing thereof in any locality, be injurious to health, and that such injurious nature can not be adequately determined after such articles have entered commerce, the board then, and in such case only, shall promulgate regulations providing for the issuance, to manufacturers, processors or packers of such class of food in such locality, of permits to which shall be attached such conditions governing the manufacture, processing or packing of such class of food, for such temporary period of time, as may be necessary to protect the public health.

Special  
permits

(Added by Stats. 1939, Ch. 731.)

26474. After the effective date of such regulations, and during such temporary period, no person shall introduce or deliver for introduction into commerce any such food manufactured, processed, or packed by any such manufacturer, processor, or packer unless such manufacturer, processor or packer holds a permit issued by the board as provided by such regulations.

Same

(Added by Stats. 1939, Ch. 731.)

26475. The board is authorized to suspend immediately upon notice any permit issued under authority of Section 26473 if it is found that any of the conditions of the permit

Suspension  
of permits

have been violated. The holder of a permit so suspended shall be privileged at any time to apply for the reinstatement of such permit, and the board shall, immediately after prompt hearing and an inspection of the establishment, reinstate such permit if it is found that adequate measures have been taken to comply with and maintain the conditions of the permit, as originally issued, or as amended.

(Added by Stats. 1939, Ch. 731.)

**Inspection**

26476. Any officer or employee duly designated by the board shall have access to any factory or establishment, the operator of which holds a permit from the board for the purpose of ascertaining whether or not the conditions of the permit are being complied with, and denial of access for such inspection shall be ground for suspension of the permit.

(Added by Stats. 1939, Ch. 731.)

### Article 3. Misbranding

(Article 3 added by Stats. 1941, Ch. 731)

**False labeling, imitations, etc.**

26490. A food shall be deemed to be misbranded:

- (1) If its labeling is false or misleading in any particular;
- (2) If it is offered for sale under the name of another food;
- (3) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;
- (4) If its container is so made, formed or filled as to be misleading.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

**Contents of label**

26491. A food shall be deemed to be misbranded if in package form, unless it bears a label containing (1) the name and place of business of the manufacture, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure or numerical count.

Under clause (2) of this section reasonable variation shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the board.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

**Same: Display**

26492. A food shall be deemed misbranded if any word, statement or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or emblems, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

**Standards: Identity**

26493. A food shall be deemed to be misbranded if it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as



provided by Sections 26540 and 26541 unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food specified in the definition and standard, and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring and coloring) present in such food.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26494. A food shall be deemed to be misbranded if it pur- Quality  
ports to be or is represented as:

(1) A food for which a standard of quality has been prescribed by regulations as provided by Sections 26540 and 26541 and its quality falls below such standard unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard; or

(2) A food for which a standard or standards of fill of con- Fill of  
tainer have been prescribed by regulation as provided by Sec- container  
tions 26540 and 26541 and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26495. A food shall be deemed to be misbranded if it is Labels on  
not subject to the provisions of Section 26493, unless its label certain foods  
bears (1) the common or usual name of the food, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient. Spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each.

The requirements of clause (2) of this section shall not Exceptions  
apply to any carbonated beverage the ingredients of which have been fully and correctly disclosed to the board in the manner described by clause (2) above in a sworn affidavit; provided, however, that the filing of such affidavit shall not exempt carbonated beverages from any other requirement of this chapter; and particularly the requirements of stating in the label thereon any imitation or artificial flavor or color, except that caramel may be used without being declared as artificial color or flavor. If no affidavit covering a carbonated beverage has been filed with the board all the requirements of clause (2) of this section shall apply to such product. Beer and wine, as defined in the Alcoholic Beverage Control Act are exempt from the requirements of clause (2) of this section.

To the extent that compliance with the requirements of clause (2) of this section is impractical or results in deception or unfair competition, exemption shall be established by regulations promulgated by the board.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838, and by Stats. 1949, Ch. 1346.)

Dietary  
foods

26496. A food shall be deemed to be misbranded:

(1) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the board determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;

Flavor-  
ing, etc.

(2) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact. To the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the board.

Exceptions

The provisions of this section and Sections 26493 and 26495 with respect to artificial coloring shall not apply in the case of butter, cheese, or ice cream.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

#### Article 4. Advertising

(Article 4 added by Stats. 1939, Ch. 731)

False adver-  
tisement

26500. An advertisement of a food shall be deemed to be false if it is false or misleading in any material particular.

(Added by Stats. 1939, Ch. 731.)

Liability un-  
der chapter

26501. No publisher, radio-broadcast licensee, or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the article to which a false advertisement relates, shall be liable under this chapter by reason of the dissemination by him of such false advertisement, unless he has refused, on the request of the board to furnish the board the name and post-office address of the manufacturer, packer, distributor, seller or advertising agency, residing in the State of California who causes him to disseminate such advertisement.

(Added by Stats. 1939, Ch. 731.)

Alcoholic  
beverages  
Stats. 1935,  
p. 1123

26501.1. With respect to the advertisement of alcoholic beverages, in the event of a conflict between the provisions of this chapter and the Alcoholic Beverage Control Act, the Alcoholic Beverage Control Act shall control.

(Added by Stats. 1939, Ch. 731.)

#### Article 5. Prohibitions

(Article 5 added by Stats. 1939, Ch. 731)

Manufac-  
ture, etc.

26510. The manufacture, production, preparation, compounding, packing, selling, offering for sale or keeping for sale, or advertising within the State of California, or the introduction into this State from any other State, Territory, or the District of Columbia or from any foreign country, of any article of food which is adulterated or misbranded is prohibited.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26511. Any person who imports or receives from any other State or Territory or the District of Columbia or from any foreign country, or who having so received delivers for pay or otherwise or offers to deliver to any other person, any article of food which is adulterated or misbranded, or any person who shall manufacture or produce, prepare or compound, or pack or sell, or offer for sale, or keep for sale, or advertise in the State of California any such adulterated or misbranded food, shall be guilty of a misdemeanor punishable as provided in Section 26519. Importation

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26512. No article of food shall be deemed adulterated or misbranded within the provisions of this chapter when prepared for export beyond the jurisdiction of the United States and prepared or packed according to specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which the article is intended to be shipped. Exports

If such foods are in fact sold or kept or offered for sale for domestic uses and consumption, then this section shall not exempt the article from the operation of any provisions of this chapter.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26513. The alteration, mutilation, destruction, obliteration or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a food is unlawful if such act results in such article being misbranded. Alteration of labels

(Added by Stats. 1939, Ch. 731.)

26514. Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification emblem authorized or required by regulations promulgated under the provisions of this chapter is prohibited. Forging of labels

(Added by Stats. 1939, Ch. 731.)

26515. The adulteration or misbranding of any food is hereby prohibited. Adulteration and misbranding

(Added by Stats. 1939, Ch. 731.)

26516. The dissemination of any false advertisement of any food is hereby prohibited. False advertisements

(Added by Stats. 1939, Ch. 731.)

26517. (a) No person shall sell, offer for sale, or keep for sale distilled spirits in any package which has been refilled or partly refilled. Refilling

(b) No person shall refill or sell, or cause to be refilled for sale any distilled spirits package.

(c) No person, who, in response to an inquiry or request for any brand, type, or character of alcoholic beverage, shall sell or offer for sale a different brand, type or character, without informing the purchaser of such difference.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1945, Ch. 1208.)



## Evidence

26518. The possession, sale, or offering for sale of any adulterated or misbranded article of food by any manufacturer, producer, jobber, packer, or dealer in food, or broker, commission merchant, agent, employee, or servant of any such manufacturer, producer, jobber, packer, or dealer, shall be prima facie evidence of the violation of this chapter.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

## Preventing inspection

26518.5. It shall be unlawful to refuse to permit, to attempt to prevent, or to prevent the free access of any agent of the board to any factory, warehouse, or establishment while open for business or in operation, in which food is, or is suspected of being manufactured, processed, packed or held contrary to law for introduction into commerce, or to any vehicle being used or suspected of being used contrary to law to transport or hold such food.

(Added by Stats. 1951, Ch. 987.)

## Penalties

26519. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25) or more than five hundred dollars (\$500), or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

If the violation is committed after a conviction of such person under this chapter has become final, such person shall be subject to imprisonment for not more than one year in the county jail, or a fine of not more than one thousand dollars (\$1,000), or both such imprisonment and fine.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1951, Ch. 987.)

## Penalties prosecution forbidden

26520. No dealer shall be prosecuted under the provisions of this chapter if after receipt of an article he has used reasonable care in the use and handling thereof and he can produce a guarantee signed by the wholesaler, jobber, manufacturer, or other party located or residing in the United States from whom he purchased such article, to the effect that the same is not adulterated or misbranded within the meaning of this chapter; provided, however, that as to food contained in an original unbroken package, no retailer, who after the receipt of such package has used reasonable care in the use and handling thereof, shall be prosecuted under this chapter for a violation of any provision thereof in connection with any article received by such retailer in the regular channels of trade and as usual first-class merchantable stock and not as seconds, or damaged articles or merchandise or job lots purchased under such conditions as to put the purchaser on notice that such merchandise was not regular first-class merchandise.

## Guaranty

(Added by Stats. 1939, Ch. 731; amended by Stats. 1941, Ch. 1042, and by Stats. 1943, Ch. 838.)

26521. Such guaranty may be either general or special and must be produced prior to the time of certification of facts to the district attorney for prosecution. Same

(Added by Stats. 1939, Ch. 731.)

26522. A general guaranty shall guarantee without condition or restriction all of the products or articles produced, prepared, compounded, packed, distributed, or sold by the guarantor as not adulterated or misbranded within the meaning of this chapter. General guaranty

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26523. A special guaranty shall guarantee in the same manner as a general guaranty the particular articles listed in an invoice of the articles, and shall be attached to or shall fully identify such invoice. Special guaranty

(Added by Stats. 1939, Ch. 731.)

26524. To afford protection all guaranties must contain the name and address of the party or parties making the sales of such articles to the person. Seller's name, etc.

(Added by Stats. 1939, Ch. 731.)

26525. A guaranty shall protect a person only where the article covered by such guaranty remains identical, both as to composition and labeling, with the article as composed and labeled when received by the person from the guarantor. Article covered

(Added by Stats. 1939, Ch. 731.)

26526. If the guaranty is to the effect that such article is not adulterated or misbranded within the meaning of the Federal act it shall be sufficient for all the purposes of this chapter and have the same force and effect as though it referred to this chapter whether given by a person residing in the United States or elsewhere. Guaranty under Federal act

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26527. In case the wholesaler, jobber, manufacturer or other party making such guaranty to the person resides without this State and it appears from the certificate of the Chief of the Division of Laboratories that such article or articles were adulterated or misbranded, within the meaning of this chapter or the Federal act, the district attorney must forthwith notify the Attorney General of the United States of such violation. Nonresident guarantor

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

## Article 6. Administration

(Article 6 added by Stats. 1939, Ch. 731)

26540. Whenever in the judgment of the board such action will promote honesty and fair dealing in the interest of Standards

consumers, the board may promulgate regulations establishing for any food or class of food a reasonable definition and standard of identity, or reasonable standard of quality or fill of container.

Beer

Fruits and  
vegetables

Fill of  
container

Quality

Identity

No standard of identity or fill of container shall be established for beer as defined in the Alcoholic Beverage Control Act. No definition and standard of identity, and no standard of quality shall be established for fresh or dried fruits, fresh or dried vegetables, or butter, except that definitions and standards of identity may be established for avocados, cantaloupes, citrus fruits, and melons. In prescribing any standard of fill of container, the board shall give due consideration to the natural shrinkage in storage and in transit of fresh natural food and to need for the necessary packing and protective material. In the prescribing of any standard of quality for any canned fruit or canned vegetable, consideration shall be given and due allowance made for the differing characteristics of the several varieties of such fruit or vegetable. Any definition and standard of identity prescribed by the board for avocados, cantaloupes, citrus fruits, or melons shall relate only to maturity and to the effects of freezing.

(Added by Stats. 1939, Ch. 731.)

Beer con-  
tainers

26540.1. The board shall not prescribe requirements respecting the size or type of containers for beer as defined in the Alcoholic Beverage Control Act.

(Added by Stats. 1939, Ch. 731.)

Wine  
standards

26540.2. The State Board of Public Health is hereby empowered under this section to promulgate regulations establishing standards of purity for wine; provided, that the board shall not prescribe requirements respecting the size or type of containers for wine.

(Added by Stats. 1941, Ch. 1042.)

Optional  
ingredients

26541. In prescribing a definition and standard of identity for any food or class of food in which optional ingredients are permitted, the board shall, for the purpose of promoting honesty and fair dealing in the interest of consumers, designate the optional ingredients which shall be named on the label. All definitions and standards promulgated pursuant to this chapter shall not in any instance require a higher standard than the standards required pursuant to the definitions currently promulgated by the Federal Security Agency, Food and Drug Administration or by the Animal Foods Inspection Division of the United States Department of Agriculture. Such definitions and standards of identity promulgated by the board for distilled spirits shall not be inconsistent with similar standards promulgated by the United States Bureau of Internal Revenue, Alcohol



Tax Unit, or other federal agency ; provided, however, that the provisions of this section shall not apply to wine.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1941, Ch. 1042 and Ch. 1147, by Stats. 1943, Ch. 838, and by Stats. 1949, Ch. 1346.)

26542. The authority to promulgate regulations for the efficient enforcement of this chapter is vested in the board. The board shall promulgate regulations exempting from the provisions of this chapter food which is in accordance with the normal practice of the trade introduced or offered for introduction into trade and which is being delivered to an establishment where it is to be processed, labeled or packed on condition that such food shall conform with the provisions of this act upon its removal from such processing, labeling or packing establishment. The regulations promulgated and the definitions and standards prescribed pursuant to this chapter shall not require higher standards and shall not be more restrictive than the definitions, standards and regulations which are in force, or promulgated by the Federal Security Agency, Food and Drug Administration, under the provisions of the federal act or by the Animal Foods Inspection Division of the United States Department of Agriculture, in the event that any such definitions, standards, or regulations are in force thereunder. The violation of a regulation promulgated under this chapter shall be deemed to be a violation of this chapter.

Regulations

Federal regulations

(Added by Stats. 1939, Ch. 731; amended by Stats. 1941, Ch. 1147, and by Stats. 1949, Ch. 1346.)

26543. Hearings authorized or required by this chapter shall be conducted by the board or such officer, agent, or employee as the board may designate for the purpose.

Hearings

(Added by Stats. 1939, Ch. 731.)

26544. Before promulgating any regulation, the board shall give appropriate notice of the proposal and of the time and place for a hearing. The regulation so promulgated shall become effective on a date fixed by the board. The effective date shall not be prior to 90 days after the promulgation of the regulation. Such regulation may be amended or repealed in the same manner as is provided for its adoption.

Notice

Effective date of regulations

In the case of a regulation amending or repealing any regulation the board, to such an extent as it deems necessary in order to prevent undue hardship, may disregard the foregoing provisions regarding notice, hearing, or effective date.

(Added by Stats. 1939, Ch. 731.)

26545. The board shall require examinations to be made of samples secured under the provisions of this chapter to determine whether or not any provision of this chapter is being violated.

Examinations

(Added by Stats. 1939, Ch. 731.)

26546. The board may appoint such agents as it may deem necessary.

Agents of board

(Added by Stats. 1939, Ch. 731.)

- Sheriffs** 26547. The sheriffs of the respective counties of the State are hereby appointed agents for the enforcement of this chapter. (Added by Stats. 1939, Ch. 731.)
- Inspection** 26548. Any agent shall have free access, at all reasonable hours, for the purpose of examining any place where it is suspected that any article of adulterated or misbranded food exists. (Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)
- Samples** 26549. If a sale is refused upon a tender of the market price of the articles, the agent may take from any person samples of any articles suspected of being adulterated or misbranded, and shall deliver or forward such samples to the State laboratory for examination and analysis. (Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)
- Penalty** 26550. Any person who refuses to sell to any agent of the board any sample of food upon tender of the market price therefor, or who conceals any food from such officer, or who withholds from the officer information respecting the place where such food is kept or stored is guilty of a misdemeanor punishable as provided in Section 26519. (Added by Stats. 1939, Ch. 731.)
- Powers of agents, etc.** 26551. The Chief of the Bureau of Food and Drug Inspections and the agents and inspectors of the State Board of Public Health shall have the powers possessed by peace officers in this State. (Added by Stats. 1939, Ch. 731.)
- "Dump sheets"** 26552. Whenever the board makes a written demand upon any distiller, rectifier or blender of liquors of any nature whatsoever within this State to produce a certified copy of those records kept by the distiller, rectifier or blender, which are commonly designated or known as "dump sheets" within the meaning of the Federal Internal Revenue Act, the records shall be delivered to the board within a reasonable time not exceeding 30 days. The refusal to present such certified copies or the falsification thereof, shall constitute a misdemeanor punishable as provided in Section 26519. Whenever there has been a demand for and refusal to deliver the records, upon petition any court or judge thereof having jurisdiction shall order the delivery of the records. (Added by Stats. 1939, Ch. 731.)
- Penalty**
- Inspection** 26553. The board or its duly authorized agent shall have free access at all reasonable hours to any factory, warehouse or establishment in which foods are manufactured, processed, packed or held for introduction into commerce, or to enter any vehicle being used to transport or hold such foods, in commerce, for the purpose:
- (1) Of inspecting such factory, warehouse, establishment or vehicle to determine if any of the provisions of this chapter are being violated; and

(2) To secure samples or specimens of any food after paying or offering to pay for such sample.

(Added by Stats. 1939, Ch. 731.)

26554. Whenever it has satisfactory evidence of the violation of any of the provisions of this chapter respecting the adulteration or misbranding of foods and after the hearing provided in Section 26564, the board shall report such facts to the district attorney of the county where the law is violated.

Report of  
violation

(Added by Stats. 1939, Ch. 731.)

26555. Nothing in this chapter shall be construed as requiring the board to report for the institution of proceedings under this chapter, minor violations of this chapter, whenever the board believes that the public interest will be adequately served in the circumstances by a suitable written notice of warning.

Written  
notice of  
warning

(Added by Stats. 1939, Ch. 731.)

26556. The board may cause to be published from time to time reports summarizing all judgments, decrees and court orders which have been rendered under this chapter, including the nature of the charge and the disposition thereof.

Reports of  
court action

(Added by Stats. 1939, Ch. 731.)

26557. The board may cause to be disseminated such information regarding food as the board deems necessary in the interest of public health and the protection of the consumer against fraud. Nothing in this section shall be construed to prohibit the board from collecting, reporting and illustrating the results of the investigations of the board.

Information

(Added by Stats. 1939, Ch. 731.)

26558. There is a State laboratory for the analysis and examination of foods, drugs, devices and cosmetics. The laboratory shall be under the supervision of the board and shall be located at such place as the board may select.

State  
laboratory

(Added by Stats. 1939, Ch. 731.)

26559. The board shall appoint a Chief of the Bureau of Food and Drug Inspections who shall have such qualifications and perform such duties as may be required by the board.

Chief,  
Bureau of  
Food and  
Drug In-  
spections

The board may employ and fix the compensation of other clerical and professional assistants.

(Added by Stats. 1939, Ch. 731.)

26560. The director shall require the Chief of the Division of Laboratories to make examinations and analyses of foods which are on sale in California and which are suspected of being adulterated or misbranded.

Analyses

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838, and by Stats. 1945, Ch. 1208.)

26561. Whenever evidence indicates or examination or analysis shows that adulterated or misbranded food has been on sale in this State, the Chief of the Division of Laboratories of the State department shall forthwith report to the director and shall promptly transmit a certificate of the facts so found.

Report on  
adulteration

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838, and by Stats. 1945, Ch. 1208.)



**Same** 26562. Whenever evidence indicates that adulterated or misbranded food has been on sale in this State, the Chief of the Bureau of Food and Drug Inspections shall forthwith report to the director and shall promptly transmit a certificate of the facts so found.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838, and by Stats. 1945, Ch. 1208.)

**Evidence** 26563. Every certificate certified to by the Chief of the Division of Laboratories or by the Chief of the Bureau of Food and Drug Inspections shall be prima facie evidence of the facts therein stated.

(Added by Stats. 1939, Ch. 731.)

**Notice of violation** 26564. When the certificate certified to by the Chief of the Division of Laboratories of the State department or when the certificate certified to by the Chief of the Bureau of Food and Drug Inspections shows that any provisions of this chapter have been violated, notice of that fact, together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained, or who executed the guaranty, as provided in this chapter. A time at which the parties may be heard shall be set.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1945, Ch. 1208.)

**Hearings** 26565. The hearings shall be held at such place as the board or the person conducting the hearing may designate. The hearings shall be private and confined to the consideration of fact. Parties interested may appear in person or by attorney and may propound interrogatories and submit oral or written evidence to show any fault or error in the findings made by the State laboratory.

(Added by Stats. 1939, Ch. 731.)

**Report to district attorney** 26566. If the examination or analysis is found to be correct, or if the party fails to appear at such hearing after notice duly given, a certificate of the facts so found shall forthwith be transmitted to the district attorney of the county in which the adulterated or misbranded food was found.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838, and by Stats. 1945, Ch. 1208.)

**Reports: Division of Laboratories** 26567. On or before August 1st of each year, the Chief of the Division of Laboratories of the State Department shall make an annual report to the board upon adulterated or misbranded foods. The report shall include the list of cases examined by him in which adulterants were found, the list of articles found to be misbranded, and the names of the manufacturers, producers, jobbers, and sellers. The Chief of the Bureau of Food and Drug Inspections shall report at the same time on all activities of that bureau.

**Bureau of Food and Drug Inspections**

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

**Reports of board** 26568. The board may include the reports, or any parts thereof, in the report which the board makes to the Governor. (Added by Stats. 1939, Ch. 731.)

26580. Whenever a duly authorized agent of the board finds, or has probable cause to believe, that any food is adulterated, or so misbranded as to be dangerous or fraudulent, he shall affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, adulterated, or misbranded and has been detained or quarantined, and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court. Quarantine

(Added by Stats. 1939, Ch. 731.)

26581. Whenever the findings of the State laboratory or of the Chief of the Bureau of Food and Drug Inspections show after investigation and examination, that any food found in the possession of any person is adulterated or misbranded, the food may be seized and quarantined. Same

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26582. The food shall not thereafter be sold, offered for sale, removed or otherwise disposed of until further notice in writing from the board, the director, or the Chief of the Bureau of Food and Drug Inspections. Prohibition  
against  
disposition

(Added by Stats. 1939, Ch. 731; amended by Stats. 1945, Ch. 1208.)

26583. The Chief of the Bureau of Food and Drug Inspections shall report immediately to the director all actions relating to the seizure of food and its release. Reports

(Added by Stats. 1939, Ch. 731; amended by Stats. 1945, Ch. 1208.)

26584. Food found to be adulterated or misbranded may, by ordered of a court or judge, or in the absence of such order, with the written consent of the owner thereof, be seized or destroyed. Destruction  
of food

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26585. Any superior or inferior court of this State shall have power to condemn food under the provisions of this article. Jurisdiction  
of courts

(Added by Stats. 1939, Ch. 731.)

26586. When an article is found to be adulterated or misbranded, and is detained or quarantined under this article, the board shall commence proceedings in the name of the people of the State of California against such article within 90 days after the article is detained or quarantined, in the superior court of the county or city and county in which the article is detained or quarantined by petitioning said court for a judgment to forfeit, condemn and destroy such article. Upon the filing of such petition, the clerk of said court shall fix a time and place for the hearing thereof, and cause notices thereof to be prepared notifying all persons who may claim an interest in said article of the time and place of said hearing. A copy of the petition and notice shall be posted for 14 days in at least three public places in the town, city or county and county where the court is held, and Proceedings  
to condemn

in a conspicuous place where such article is detained or quarantined. A copy of the petition and notice shall also be served upon each person in possession of said article and on each owner or claimant whose name and address is known. Said service may be made by personal service or by registered mail by mailing a copy of such notice and petition by registered mail to the last known address of such person. At any time prior to the date of the hearing any person in possession of said article, or owner thereof or claimant thereto, may file an answer which may include a prayer for a judgment of release of such article or relief in accordance with Sections 26588 and 26589. At the time set for the hearing the court shall commence to hear and determine said proceeding, but may for good cause shown, continue the hearing to a day certain; provided, the court shall finally determine all the issues presented by the petition and answer within 60 days after the date when the matter was first set for hearing.

If the board fails to commence proceedings against an article which is detained or quarantined within 90 days after said article is detained or quarantined, as above provided, the board shall immediately release said article from detention or quarantine and remove therefrom any warning tags affixed thereto by the board or its agents. If the board or its agent has taken possession of or assumed control of said article, the board shall immediately return said article to the possession of the person from whom it was taken.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838, by Stats. 1947, Ch. 581 and by Stats. 1949, Ch. 1346.)

**Petition  
for release**

26586.5. If, within 30 days after detention or quarantine of any article under this article, the board has not commenced a proceeding under Section 26586, then the person in possession of such article, or the owner thereof or any claimant thereto, may commence a proceeding in the superior court of the county or city and county in which the article is detained or quarantined, by petitioning said court for a judgment to release said article or for relief under Section 26588 and 26589. Upon the filing of such petition, the clerk of the court shall fix a time and place for the hearing thereof, and cause notices thereof to be prepared notifying all persons who may claim an interest in the article of the time and place of the hearing. A copy of the petition and notice shall be posted for 14 days in at least three public places in the town, city or city and county where the court is held, and in a conspicuous place where such article is detained or quarantined. A copy of the petition and notice shall also be served upon the board by serving it upon the secretary of said board. Service may be made by personal service or



by registered mail addressed to the board at the office of the secretary at San Francisco, California.

At the time set for the hearing the court shall commence to hear the proceeding but may, for good cause shown, continue the hearing to a day certain; provided, the court shall finally determine all the issues presented in the proceeding within 60 days after the date when the matter was first set for hearing.

(Added by Stats. 1947, Ch. 581.)

26587. If the court finds that a detained or quarantined article is adulterated or misbranded, after entry of the decree such article shall be destroyed at the expense of the claimant thereof, under the supervision of the agent. All court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or his agent.

Destruction

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26588. If the adulteration or misbranding can be corrected by proper labeling or processing of the article, after entry of the decree and after costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled or processed, has been executed, the court may by order direct that such article be delivered to the claimant thereof for such labeling or processing under the supervision of an agent of the board. The expense of such supervision shall be paid by the claimant.

Correction  
of article

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26589. The bond shall be returned to the claimant of the article on representation to the court by the board that the article is no longer in violation of this chapter, and that the expenses of such supervision have been paid.

Bond

(Added by Stats. 1939, Ch. 731.)

26589.5. If at any time after detention or quarantine, a duly authorized agent of the board finds that an article detained or quarantined is not adulterated or misbranded, such agent shall remove the tag or other marking.

Removal  
of tags

(Added by Stats. 1947, Ch. 581.)

26590. Whenever the board or any of its authorized agents shall find in any room, building, vehicle of transportation or other structure, any meat, seafood, poultry, vegetable, fruit or other perishable articles which are unsound, or contain any filthy, decomposed or putrid substance, or which may be poisonous or deleterious to health or otherwise unsafe, the same being hereby declared to be a nuisance, the board or its authorized agent shall forthwith condemn or destroy the same or in any other manner render the same unsalable as human food.

Destruction

(Added by Stats. 1939, Ch. 731.)

26600. On presentation to him of a verified complaint of the violation of any provisions of this chapter, the sheriff of any county of this State shall at once obtain by purchase a sample of the adulterated or misbranded food complained of, and divide the article into three parts. Each part shall be

Sheriff's  
duties

sealed by the sheriff with a seal provided for that purpose. If the package be less than four pounds in weight or in volume less than two quarts, three packages of approximately the same size shall be purchased and the marks and tags upon each package noted as above.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

Same

26601. One sample shall be delivered to the party from whom procured or to the party guaranteeing such merchandise, one sample shall be sent to the Chief of the Division of Laboratories, and the third sample shall be sent to, and held under seal by, the board.

(Added by Stats. 1939, Ch. 731.)

Fees

26602. For his services under this chapter the sheriff shall be allowed the same fees for travel allowed by law to sheriffs on service of criminal process, together with such compensation as the board of supervisors of the county may deem reasonable, and all amounts expended by him in procuring and transmitting samples.

(Added by Stats. 1939, Ch. 731.)

Payment  
of fees

26603. The fees and amount expended shall be audited and allowed by the supervisors and paid by the county as other bills of the sheriff.

(Added by Stats. 1939, Ch. 731.)

District  
attorney

26604. The district attorney of each county shall prosecute all violations of the provisions of this chapter occurring within the county.

(Added by Stats. 1939, Ch. 731.)

Fines

26605. One-half of all fines collected by any court or judge for the violations of the provisions of this chapter shall be paid into the State Treasury to the credit of the General Fund.

(Added by Stats. 1939, Ch. 731.)

## Article 7. Local Administration

(Article 7 added by Stats. 1939, Ch. 731)

Local  
inspection  
and enforce-  
ment divi-  
sions

26615. The board may organize and establish local food inspection and enforcement divisions with headquarters at such points and with jurisdiction over such territory as the board shall by order specify.

(Added by Stats. 1939, Ch. 731.)

Definition

26616. For the purposes of this chapter, the term "local food inspection and enforcement division" shall be construed to mean the local health department, headed by the duly appointed, qualified and acting health officer of any county, city or county and county, designated by order of the board to act as such division within the territory specified in such order. Such territory may include one or more counties, cities, or cities and counties.

(Added by Stats. 1939, Ch. 731.)

Examinations

26617. A local food inspection and enforcement division shall make, or cause to be made, examinations and analyses of food which is suspected of being adulterated or misbranded

and which is on sale within the territory where such local division has jurisdiction.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838 and by Stats. 1951, Ch. 987.)

26618. Within the territory over which a local division has jurisdiction, the health officer of any local food inspection and enforcement division and his deputies, shall have the same powers as are possessed by peace officers of this State. Powers of agents

(Added by Stats. 1939, Ch. 731; amended by Stats. 1951, Ch. 987.)

26619. When an examination or analysis made pursuant to the provisions of Section 26617 shows that any provision of this chapter has been violated, notice of the fact, together with a copy of the findings thereof, shall be furnished to the party or parties from whom the sample was obtained, or who issued the guaranty, as provided in this chapter. Notice of violation

(Added by Stats. 1939, Ch. 731.)

26620. The health officer of the local food inspection and enforcement division shall set a time for a hearing, at which the parties may be heard before him. At least 15 days' notice of such hearing shall be served upon the parties interested. The hearing shall be private and confined to questions of fact. Appearances may be made in person or by attorney and testimony may be taken and evidence introduced as to the correctness of the findings made by the person making the examination or performing the analysis. Hearings

(Added by Stats. 1939, Ch. 731; amended by Stats. 1951, Ch. 987.)

26621. If such examination or analysis be found correct, or if the party or parties fail to appear after notice duly given, the health officer conducting the hearing shall certify the facts found to the district attorney of the county in which the adulterated or misbranded food was found, sold, or offered or exposed for sale. No publication shall be made until after the hearing is concluded. District attorney

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26622. (Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838; repealed by Stats. 1951, Ch. 987.)

26623. The provisions of this article shall not be construed as repealing, either directly or by implication, any of the existing sections of this chapter, but shall be construed as constituting an alternative method of enforcing the same. Construction of article

(Added by Stats. 1939, Ch. 731.)

26624. The board may prescribe such rules and regulations relating to the operation of the local inspection and enforcement divisions as it may deem necessary fully to effectuate the provisions of this article. Rules

(Added by Stats. 1939, Ch. 731.)



# **CHAPTER 4. HORSE MEAT** (Chapter 4 added by Stats. 1943, Ch. 800)

**Definitions:**  
**Horse**  
**meat**

28000. As used in this chapter :

(a) Horse meat shall mean the uncooked muscle tissue of the horse and/or mule and/or burro which is skeletal, with or without the accompanying and overlying fat, and the portion of sinews, nerves and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing.

**By-products**

(b) By-products of the horse and/or mule and/or burro shall mean the parts other than horse meat which has been derived from said animals, or any of them.

**"Horse**  
**meat"**

(c) Except where otherwise provided herein "horse meat" shall include horse meat and the by-products of the horse and/or mule and/or burro as said terms are defined in subsections (a) and (b) of this Section 28000.

(Added by Stats. 1943, Ch. 800; repealed and added by Stats. 1949, Ch. 738. Amended by Stats. 1951, Ch. 1090.)

**NOTE**—Stats. 1949, Ch. 738 also contained the following provision :

**SEC. 17.** If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment has been rendered.

**Prohibitions**

28000½. It is unlawful for any person, firm, corporation or association, or any employee thereof, to sell, offer for sale or have in possession for sale as horse meat, any such meat as defined in Section 28000(a) of this chapter, mixed in any manner whatsoever with by-products as said term is defined in Section 28000(b) of this chapter.

(Added by Stats. 1951, Ch. 1090.)

**Inspected**  
**horse meat**

28001. Inspected horse meat shall mean horse meat produced in a slaughtering establishment under federal, state or state-approved municipal inspection.

(Added by Stats. 1943, Ch. 800; repealed and added by Stats. 1949, Ch. 738. See note to Section 28000.)

**Uninspected**  
**horse meat**

28002. Uninspected horse meat shall mean horse meat which is not produced under the inspection of a federal, state or state-approved, municipal inspection service. However, any premises or building in which horses are slaughtered or in which horse meat is stored, packed, prepared, offered for sale or sold shall meet all the food sanitation requirements of state, county, city and/or city and county health departments of the area where sold or produced.

(Added by Stats. 1943, Ch. 800; repealed and added by Stats. 1949, Ch. 738. See note to Section 28000.)

**Prohibited**  
**sale, stor-**  
**age, etc.**

28003. Horse meat shall not be stored, packed, offered for sale or sold in any establishment or part thereof, or in connection with any business in which other uncooked meat, or meat food products prepared from the flesh of cattle, calves, sheep, lambs, swine or goats is stored, packed, cooked, offered for sale

or sold. Exception to this shall be made where the horse meat is stored in direct connection with canning plants, for use in cooking in hermetically sealed containers under state or federal inspection. The public cold storage of horse meat in licensed warehouses is permissible; provided, the horse meat is in original sealed containers, recorded as such in the warehouse records and the storage pile is readily distinguishable as consisting of horse meat; and provided further, that it shall not be stored, commingled with or maintained directly in contact with fresh or other meat used for human consumption.

(Added by Stats. 1943, Ch. 800; repealed and added by Stats. 1949, Ch. 738. See note to Section 28000.)

28004. Only inspected horse meat shall be sold or offered for sale for human consumption.

When horse meat is offered for sale for human consumption there shall be displayed prominently in connection therewith and immediately adjacent thereto a sign with letters not less than eight (8) inches in height and not less than three (3) inches in width, bearing the words "horse meat for human consumption."

(Added by Stats. 1947, Ch. 1560; repealed and added by Stats. 1949, Ch. 738; amended by Stats. 1951, Ch. 1090.)

28005. Every restaurant, cafe, or other public eating place offering or serving horse meat for human consumption must have stamped on all menus, in green ink letters not less than one-half inch in height and one-quarter inch in width the words "Horse meat served here"; likewise a placard must be prominently displayed bearing the words "Horse meat served here" in letters not less than four inches in height and one-half inch in width.

(Added by Stats. 1949, Ch. 738. See note to Section 28000.)

28006. Uninspected horse meat shall not be packed, stored or kept with or in close proximity with any food product which is or shall be offered for human consumption irrespective of its type or nature.

(Added by Stats. 1949, Ch. 738. See note to Section 28000.)

28007. Uninspected horse meat shall be kept and stored in a separate unit provided for that purpose. A sign which reads "Horse meat not inspected. For animal consumption only" with letters two (2) inches high and approximately one (1) inch wide shall be conspicuously displayed so that it can readily be seen by those in the room where such horse meat is sold.

(a) Any uninspected horse meat sold shall bear a tag or label with the words "horse meat not inspected. For animal consumption only," printed thereon in red letters not less than one-half ( $\frac{1}{2}$ ) inch in height. Any inspected horse meat sold shall bear a tag or label with the words "inspected horse meat," "U. S. Government inspected horse meat," "state inspected horse meat," or "municipally inspected horse meat," depending upon the type of inspection made of said product, with letters printed thereon not less than one-half ( $\frac{1}{2}$ ) inch in height; provided, that the letters may be less than one-half ( $\frac{1}{2}$ ) inch in

Definition

Sale for  
human  
consumption

Notice

Restaurant,  
etc., noticeKeeping of  
uninspected  
horse meatSame:  
Labeling

height where the horse meat is processed, packaged, and sealed at the point of inspection and bears the label required by the inspection agency.

Denaturing

(b) All uninspected horse meat when kept for sale, offered for sale, or sold shall be denatured or decharacterized so as to be readily distinguishable from an article of human food by the addition thereto of not more than one-twentieth of 1 percent of granular or crystal charcoal or in any other manner satisfactory to the State Department of Public Health.

Sealed dog  
or pet food:  
Prohibited  
labels

(c) All canned dog and/or pet food manufactured from horse meat and/or horse meat by-products and/or meat and/or meat food products and packed in hermetically sealed containers shall not on their labels use any of the following terms: "packed in gravy," "packed with gravy," "horse meat loaf," and/or "horse meat stew," or any other term, phrase or statement from which it might be inferred or implied that said product is or could be used for human consumption. Each container in which dog and/or pet food manufactured from horse meat and/or horse meat by-products and/or meat and/or meat food products is packed shall have affixed thereto a label bearing the following information in addition to all other information required by law to appear thereon: (1) the name of the food, such as "Dog Food," "Cat Food," "Dog and Cat Food," "Fox Food," "Pet Food," or "Animal Food" in letters not less than one-half inch in height; (2) the word "ingredients" followed by a complete list of the ingredients of the food in the order of their predominance and by their common or usual names in letters not more than one-fourth of an inch in height. Labeling for all products referred to in this subsection shall be approved by the State Department of Public Health prior to use.

(Added by Stats. 1949, Ch. 738; amended by Stats. 1951, Ch. 1090.)

Signs

28008. Where signs are displayed on the outside of the premises of any wholesale or retail establishment offering for sale uninspected horse meat, wherever the words "horse meat," "pet food" and/or "pet meat" or any other words intended to describe or signify horse meat or pet food containing meat products, appear, there shall also be added a sign in equal size "horse meat not inspected." On any vehicle delivering uninspected horse meat, whether retail or wholesale, the words "not inspected" shall be included on any sign containing the words "horse meat," "pet meat," "pet food" or any other words intended to describe or signify horse meat, and shall appear in equal prominence with such words.

Policy of  
Legislature

The policy of the Legislature is that all uninspected horse meat taken into the homes of the State, intended for the family pet, but often cooked in kitchen utensils and invariably stored in the home refrigerator, shall bear protective labeling to distinguish it from beef processed under rigid regulations.

(Added by Stats. 1949, Ch. 738. See note to Section 28000.)



28009. Inspected horse meat and uninspected horse meat shall not be stored, kept, packed or sold at or on the same premises. Prohibited use

(Added by Stats. 1949, Ch. 738. See note to Section 28000.)

28010. All uninspected horse meat not produced in the State of California shall be decharacterized before entering the State in the manner outlined in Section 28007 (b) or in keeping with federal laws. All inspected horse meat not produced in the State of California shall be delivered to the warehouse, or distributor in the original shipping containers. Foreign horse meat

(Added by Stats. 1949, Ch. 738; amended by Stats. 1951, Ch. 1090.)

28011. Nothing contained in this statute shall prevent any county, city and/or city and county health departments from regulating or prohibiting by ordinance the sale of horse meat in their respective communities. Local regulation

(Added by Stats. 1949, Ch. 738. See note to Section 28000.)

28012. Inspectors and duly authorized agents of the State, county, city and/or city and county health departments shall have free access at all reasonable times to premises where horses are slaughtered, and/or horse meat is processed, prepared, packed, kept, offered for sale or sold, for purposes of inspection. Inspection

(Added by Stats. 1949, Ch. 738. See note to Section 28000.)

28013. Every person, firm or corporation before engaging in the slaughtering of horses, mules, or burros and/or the whole-sale distribution, jobbing and/or the importing into the State of horse meat for resale shall procure a license from the State Department of Public Health. Such license shall be good for the calendar year for which it is issued, unless sooner revoked or suspended. Each application for such license shall be accompanied by a fee of fifty dollars (\$50). Should any licensee fail, refuse, or neglect to apply for renewal of a license within thirty days after the expiration thereof, a penalty of ten dollars (\$10) shall accrue and be added to the renewal fee and shall be paid by the applicant before the renewal license may be issued. All fees collected under the provisions of this section shall be paid into the General Fund in the State Treasury. License: Fee

The department may refuse to grant a license or renewal of license and may revoke or suspend any license, as the case may require, after a hearing as herein provided, if it finds that the applicant or licensee has violated any of the provisions of this chapter, or of any of the rules and regulations issued hereunder, or of any of the laws or regulations of the United States pertaining to horse meat, or has failed or refused to comply with any lawful order of the department issued under the provisions of this chapter. Refusal, revocation, or suspension

The proceedings for hearings under the provisions of this section shall be in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. The State Board of Public Health is hereby empowered to promulgate rules and regulations for the proper enforcement of this chapter. Proceedings

## Records

Any person, firm or corporation holding a license issued under the provision of this chapter shall keep complete and full records of all horses and/or horse meat received, covering the live and/or dressed weight of same, from whom received and the date of receipt. Also in the case of those slaughtering horses and/or wholesalers of horse meat, a full and complete record of the sales made shall be kept showing the name and address, of each and every customer and the amount and the date sold to each. Retailers shall keep a full and complete record of all horse meat received including the amount, date and name of the person, firm or corporation from whom received. When requested by the State Department of Public Health or an agent thereof, any dealer shall submit a report setting forth in itemized particulars information relating to the receipts and sales of horses and/or horse meat covering a period of time not to exceed the preceding four months.

## Dealer's report

## Penalties

(Added by Stats. 1949, Ch. 738. See note to Section 28000.)

28014. Any person who, as principal or agent, employer or employee, adulterates any other meat or meat food product with horse meat, or represents horse meat to be any other meat or meat food product, shall be guilty of a felony punishable by a fine of not less than ten thousand dollars (\$10,000) or by imprisonment in the state prison for not less than one year, or by both.

(Added by Stats. 1949, Ch. 738; amended by Stats. 1951, Ch. 1090.)

## Same

28015. Any person, whether as principal or agent, employer or employee, who violates any of the provisions in this chapter except as provided in Section 28014 is guilty of a misdemeanor punishable upon conviction by a fine of not more than five hundred dollars (\$500) or by imprisonment in the county jail for not more than six months or by both such fine and imprisonment.

(Added by Stats. 1949, Ch. 738. See note to Section 28000.)

## CHAPTER 5. COLD STORAGE

(Chapter 5 added by Stats. 1947, Ch. 763)

## Article 1. Definitions and General Provisions

## Definitions

28110. Unless the context otherwise requires, the definitions set forth in this article govern the construction of this chapter.

(Added by Stats. 1947, Ch. 763.)

## "Cold storage"

28111. "Cold storage" means a place artificially refrigerated to a temperature above zero of 45 degrees Fahrenheit or below. It does not include any such place where food which is privately owned and not held for resale is stored inside of lockers or compartments which are not more than fifteen cubic feet in capacity, and which lockers or compartments are leased to private individuals for their exclusive use.

(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744.)

28112. "Cold stored" means the keeping of articles of food in cold storage for a period exceeding ten days. "Cold stored"

(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744.)

28113. "Article of food" means any article of food used for human consumption. It includes fresh meat and fresh meat products (except in process of manufacture), fresh and dried fruit or vegetables, fish, shellfish, game, poultry, eggs, butter, and cheese, but not malt beverages. "Article of food"

(Added by Stats. 1947, Ch. 763.)

28114. "Storer" means a person who offers articles of food for cold storage. "Storer"

(Added by Stats. 1947, Ch. 763.)

28115. This chapter does not apply to any brewery. Exceptions

(Added by Stats. 1947, Ch. 763.)

28116. This chapter does not apply to any cold storage or refrigerating plant or warehouse which is maintained or operated by a restaurant, hotel, exclusively wholesale or retail establishment, cannery, winery or other food processing place which is used for the storage of food and which place is owned by or is for the exclusive use of the occupant owner or maintainer thereof, and said food is not stored for other persons. Same

(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744.)

28117. The term "locker plant" as used in this chapter shall mean any building or portion thereof which is artificially cooled to or below a temperature above zero of 45 degrees Fahrenheit and used exclusively for the storage of any article of food for the sole use of the storer, and which article or articles of food are not for resale. "Locker plant"

If any article or articles of food stored in locker plants are for resale and/or to be used for manufacturing purposes, said locker plant is subject to the license provisions of this chapter and all sections thereof. License provisions applicable

(Added by Stats. 1949, Ch. 744.)

## Article 2. Licenses

28120. Any person desiring to operate a cold storage or refrigerating warehouse for storing articles of food shall make application in writing to the board for a license for that purpose, stating the location of his plant—or plants. For the purpose of securing the proper enforcement of this chapter, each separate building or structure, physically separated from another by a through street or highway open to public use, shall be considered as a separate cold storage or refrigerating warehouse or plant. Separate application for a license shall be made for each plant. Application

(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744.)

28121. On receipt of the application the board shall examine into the sanitary condition of the plant. Examination

(Added by Stats. 1947, Ch. 763.)



- Issuance** 28122. If it finds the plant to be in a sanitary condition and otherwise properly equipped for the business of cold storage, the board, upon the payment of the license fee specified in this chapter, shall issue a license authorizing the applicant to operate a cold storage or refrigerating warehouse for a period of one year.  
(Added by Stats. 1947, Ch. 763.)
28123. (Added by Stats. 1947, Ch. 763; repealed by Stats. 1949, Ch. 744.)
28124. (Added by Stats. 1947, Ch. 763; repealed by Stats. 1949, Ch. 744.)
28125. (Added by Stats. 1947, Ch. 763; repealed by Stats. 1949, Ch. 744.)
- Fee** 28126. For each cold storage or refrigerating warehouse or plant operated by an applicant for a license, the fee is fifty dollars (\$50).  
(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744.)
- Disposition of fees** 28127. The secretary of the board shall keep a full and correct account of all fees received under this chapter. At least once each month he shall deposit all such fees with the State Treasurer for credit to the State General Fund.  
(Added by Stats. 1947, Ch. 763.)

### Article 3. Licensee Regulations

- Notice of insanitary condition** 28130. If any place or portion of a place for which a license is issued is deemed by the board to be in an unsanitary condition, the board shall notify the licensee of the condition.  
(Added by Stats. 1947, Ch. 763.)
- Correction of condition** 28131. Upon failure of the licensee to correct the situation within a designated time the board shall prohibit the licensee from using the place or specified portion until such time as it is restored to a sanitary condition.  
(Added by Stats. 1947, Ch. 763.)
- Records** 28132. Every licensee shall keep an accurate record of receipts and withdrawals of articles of food, and the board shall have free access to these records at any time.  
(Added by Stats. 1947, Ch. 763.)
- Reports** 28133. When requested by the board or an agent thereof, any licensee shall submit a report setting forth in itemized particulars the quantity of food products held by him in cold storage.  
(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744.)
28134. (Added by Stats. 1947, Ch. 763; repealed by Stats. 1949, Ch. 744.)

### Article 4. General Regulations

- Articles improper for storage** 28140. No storer shall place in cold storage any article of food whose keeping qualities have been impaired by disease, taint, or deterioration, or which has not been slaughtered,

handled, and prepared for storage in accordance with the pure and sanitary food laws and such rules and regulations as may be prescribed by the board for the sanitary preparation of food products for cold storage.

(Added by Stats. 1947, Ch. 763.)

28141. Any article of food intended for use other than human consumption shall, before being cold stored, be marked by the owner in accordance with forms prescribed by the board in such a way as to indicate plainly that the article is not to be sold for human food.

Articles not  
for human  
consumption

(Added by Stats. 1947, Ch. 763.)

28142. The container in which an article of food is packed or the article itself, when deposited in cold storage, shall be marked plainly with the lot number covering that particular lot of articles of food indicated and recorded on the records maintained on the premises.

Marking  
containers

(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744.)

28143. The board shall inspect and supervise all cold storage or refrigerating warehouses, and make such inspection of the entry of articles of food therein as it deems necessary to secure the proper enforcement of this chapter.

Inspection

(Added by Stats. 1947, Ch. 763.)

28144. The members of the board and its duly authorized employees shall be permitted access to cold storage or refrigerating warehouses at all reasonable times for purposes of inspection and enforcing the provisions of this chapter.

Access

(Added by Stats. 1947, Ch. 763.)

28145. The board may also appoint at such salary as it may designate, any person it deems qualified to make any inspection required by this chapter.

Inspector

(Added by Stats. 1947, Ch. 763.)

28146. No person shall keep any article of food in cold storage for more than twelve calendar months, except with the consent of the board. Thirty days prior to the expiration of the 12-month period, the licensee shall send notice to the board advising them of this fact. Duplicate notice shall be sent to the owner of the food.

Period of  
storage

(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744.)

28147. The board shall, upon application, grant permission to extend the period of storage beyond 12 months for a particular consignment of goods, if the goods in question are found, upon examination, to be in proper condition for further storage at the end of 12 months. The length of time for which further storage is allowed shall be specified in the order granting the permission.

Extensions

(Added by Stats. 1947, Ch. 763.)

28148. A report of each case in which extension of storage may be permitted, including information relating to the reason for the action of the board, the kind and amount of goods for

Reports

which the storage period was extended, and the length of time for which the continuance was granted, shall be included in the annual report of the board.

(Added by Stats. 1947, Ch. 763.)

Inspection  
of data  
re licensees

28149. For the purpose of determining whether or not food locker plants come under the provision of this act, the operators or owners of all such frozen food locker plants shall make available, upon request to any agent of the State Department of Public Health, the names and addresses of any and all persons, firms, or corporations renting, leasing or occupying such lockers or compartments.

(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744.)

False rep-  
resentation

28150. Unless otherwise permitted by this article, it is unlawful to represent or advertise as fresh goods articles of food which have been placed in cold storage.

(Added by Stats. 1947, Ch. 763.)

28151. (Added by Stats. 1947, Ch. 763; repealed by Stats. 1949, Ch. 744.)

Return to  
cold storage

28152. It is unlawful to return to cold storage any article of food that has once been released from such storage and placed on the market for sale to consumers. However, nothing in this section prevents the transfer of goods from one cold storage or refrigerating warehouse to another, if the transfer is not made for the purpose of evading any provision of this chapter.

(Added by Stats. 1947, Ch. 763.)

Rules and  
regulations

28153. The board may make rules and regulations to secure the proper enforcement of this chapter, including rules and regulations with respect to the sanitary preparation of articles of food for cold storage, the use of marks, tags, or labels, and the display of signs.

(Added by Stats. 1947, Ch. 763.)

## Article 5. Violations

Penalties

28160. Any person violating any of the provisions of this chapter, or any rule or regulation issued pursuant to this chapter, shall upon conviction be punished for the first offense by a fine not exceeding five hundred dollars (\$500) or by imprisonment for not more than 90 days, or by both. The punishment for a second offense is the same, except that the maximum fine is one thousand dollars (\$1,000).

(Added by Stats. 1947, Ch. 763.)

## CHAPTER 5.5. FROZEN FOOD

(Chapter 5.5 added by Stats. 1949, Ch. 1197)

### Article 1. Definitions

(Article 1 added by Stats. 1949, Ch. 1197)

"Low acid  
frozen food"

28165. "Low acid frozen food" means a food which, by virtue of its low acid content, does not preclude the growth of *Clostridium botulinum*.

(Added by Stats. 1949, Ch. 1197.)



## Article 2. The Packing of Low-Acid Frozen Food in Hermetically Sealed Containers

(Article 2 added by Stats. 1949, Ch. 1197; heading amended by Stats. 1951, Ch. 206)

28170. Low acid frozen food shall be packaged in a container of distinctive appearance so as to indicate to the purchaser that the package is not ordinary canned goods of a non-perishable nature. Container

(Added by Stats. 1949, Ch. 1197.)

28172. The container shall bear a suitable legend to warn consumers that the product must be kept frozen until ready for use and that the contents should not be heated before opening. Label

(Added by Stats. 1949, Ch. 1197.)

28173. Low acid foods which are to be frozen and packaged in hermetically sealed metal containers, shall not be cooked in the container before freezing. Cooking

(Added by Stats. 1949, Ch. 1197.)

## Article 3. General Regulations

(Article 3 added by Stats. 1951, Ch. 206)

28180. The State Department of Public Health shall enforce this chapter. Enforcement

(Added by Stats. 1951, Ch. 206.)

28182. The board may make rules and regulations to secure the proper enforcement of this chapter, including rules and regulations with respect to the sanitary preparation of articles of food for freezing, the use of containers, marks, tags, or labels, and the display of signs. Rules and regulations

(Added by Stats. 1951, Ch. 206.)

## Article 4. Violations

(Article 4 added by Stats. 1951, Ch. 206)

28186. Any person, firm, corporation, or agent violating any of the provisions of this chapter, or any rule or regulation issued pursuant to this chapter, shall upon conviction be punished for the first offense by a fine not less than twenty-five dollars (\$25), or more than five hundred dollars (\$500), or by imprisonment in the county jail for not more than six months, or by both. The punishment for a second offense is the same, except that the maximum fine is one thousand dollars (\$1,000). Penalties

(Added by Stats. 1951, Ch. 206.)

## CHAPTER 6. BAKERIES

(Chapter 6 added by Stats. 1947, Ch. 766)

### Article 1. General Provisions

28190. Except as provided in this chapter, no city shall enact or make any ordinance, law, resolution, rule, or order affecting the matters covered by this chapter. Local ordinances, etc.

(Added by Stats. 1947, Ch. 766.)

## Article 2. Rooms

- Buildings** 28195. Every building, or portion of any building, occupied or used as a bakery, wherein is carried on the business of the production, preparation, storage, or display of bread, cakes, pies, or other baking products intended for sale for human consumption, shall be clean, properly lighted, drained, and ventilated.  
(Added by Stats. 1947, Ch. 766.)
- Plumbing, etc.** 28196. The building shall be provided with adequate plumbing and drainage facilities, including suitable wash sinks, toilets, and water closets.  
(Added by Stats. 1947, Ch. 766.)
- Toilets** 28197. All toilets and water closets shall be separate and apart from the rooms in which the bakery products are produced or handled.  
(Added by Stats. 1947, Ch. 766.)
- Wash sinks, etc.** 28198. All wash sinks, toilets, and water closets shall be kept in a clean and sanitary condition and shall be in well lighted and ventilated rooms.  
(Added by Stats. 1947, Ch. 766.)
- Floors, walls, etc.** 28199. The floors, walls, and ceilings of the rooms in which the dough is mixed and handled or the pastry is prepared for baking or stored, shall be kept and maintained in a clean, wholesome, and sanitary condition. All openings into such rooms, including windows and doors, shall be properly screened or otherwise protected to exclude flies.  
(Added by Stats. 1947, Ch. 766.)
- Working rooms** 28200. No working rooms shall be used for purposes other than those directly connected with the preparing, baking, storage, and handling of food, nor shall they be used as washing, sleeping, or living rooms.  
(Added by Stats. 1947, Ch. 766.)
- Wearing apparel** 28201. Rooms shall be provided for the changing and hanging of wearing apparel apart and separate from the work rooms, and such rooms shall be kept clean at all times.  
(Added by Stats. 1947, Ch. 766.)
- Rules** 28202. The state department shall make all rules necessary for carrying into effect the provisions of this article.  
(Added by Stats. 1947, Ch. 766.)

## Article 3. Baking Materials

- Handling, etc.** 28210. All materials used in the production or preparation of bakery products shall be stored, handled, and kept in a way to protect them from spoiling and contamination.  
(Added by Stats. 1947, Ch. 766.)
- Quality** 28211. No material shall be used which is spoiled or contaminated, or which may render the bread or other bakery product unwholesome or unfit for food.  
(Added by Stats. 1947, Ch. 766.)
- Adulteration, etc.** 28212. The ingredients used in the production of bread and other bakery products and the sale or offering for sale of

bread and bakery products shall comply with the provisions of this division relating to adulteration and misbranding.

(Added by Stats. 1947, Ch. 766.)

28213. No ingredient shall be used which may render the bread or other bakery product injurious to health.

Injurious  
ingredients

(Added by Stats. 1947, Ch. 766.)

28214. (Added by Stats. 1947, Ch. 766; repealed by Stats. 1949, Ch. 1299.)

28215. All water for mixing dough or used in the mixing of any bakery product shall be pure and wholesome.

Water for  
mixing

(Added by Stats. 1947, Ch. 766.)

28216. In case the water is taken from a well, the baker shall have a certification of the purity of the water issued by either the state department or a city or county health department.

Water  
from well

(Added by Stats. 1947, Ch. 766.)

28217. No baker shall use water from a well the water of which is not certified to be pure and wholesome.

Same

(Added by Stats. 1947, Ch. 766.)

#### Article 4. Employees

28220. No employee or other person shall sit or lie upon any table, bench, trough, shelf, or other equipment which is intended for use in connection with any dough or bakery product.

Tables,  
benches, etc.

(Added by Stats. 1947, Ch. 766.)

28221. No animal or fowl shall be kept or allowed in any bakery or other place where bread or any other bakery product is produced or stored.

Animals  
or fowls

(Added by Stats. 1947, Ch. 766.)

28222. Before beginning the work of preparing, mixing, or handling the ingredients used in baking, every person engaged in the work shall wash his hands and arms thoroughly and rinse them in clean water. For this purpose sufficient wash basins, soap, and clean towels shall be provided.

Washing  
hands, etc.

(Added by Stats. 1947, Ch. 766.)

28223. Every person engaged in the work of preparing or handling bakery products shall wash his hands and arms after using a toilet room or water closet.

Same

(Added by Stats. 1947, Ch. 766.)

28224. No employee or other person affected with any venereal disease, smallpox, diphtheria, scarlet fever, yellow fever, tuberculosis or consumption, bubonic plague, asiatic cholera, leprosy, typhoid fever, epidemic dysentery, measles, mumps, whooping cough, chicken pox, or any other cutaneous or infectious disease, shall work or be permitted to work in any bakery or handle any of the products therein or delivered therefrom.

Diseased  
persons

Any person knowingly infected with any of the diseases specified in this section who engages in the work mentioned, or



any employer who knowingly employs such a person, is guilty of violating this section.

(Added by Stats. 1947, Ch. 766.)

Sanitary  
handling  
of products

28225. The handling or sale of bread or other bakery products and all practices connected therewith shall be conducted at all times so as to prevent the spreading of contamination, infection, or disease among consumers, including the bread infection commonly known as "rope."

(Added by Stats. 1947, Ch. 766.)

Rules

28226. The state department shall make all rules necessary for carrying into effect the provisions of this article.

(Added by Stats. 1947, Ch. 766.)

### Article 5. Bread Labeling

Wrapped  
bread: Label

28230. Every loaf of bread made or procured for the purpose of sale which is sold or offered for sale, except when sold directly by a manufacturer to the consumer, shall have a protective wrapping which shall bear a label which complies with the labeling requirements as stated in Article 3, Chapter 3, Division 21 of the Health and Safety Code. French style loaves and/or rolls shall be considered properly wrapped if an open end bag of sufficient size is used.

French style

(Added by Stats. 1947, Ch. 766; amended by Stats. 1949, Ch. 1299.)

Hearth  
baked  
bread

28231. The provisions of Section 28230 do not apply to hearth-baked loaves of bread or rolls which are kept in show-cases and are protected from flies, dust, and dirt and are not accessible to the public.

(Added by Stats. 1947, Ch. 766; repealed by Stats. 1949, Ch. 1299; added by Stats. 1951, Ch. 317.)

28232. (Added by Stats. 1947, Ch. 766; repealed by Stats. 1949, Ch. 1299.)

### Article 6. Receptacles

Transportation

28235. The wagons, boxes, baskets, and other receptacles in which bread, cake, pies, or other bakery products are transported shall be kept in a clean and wholesome condition at all times, and kept free from dust, flies, and other contamination.

(Added by Stats. 1947, Ch. 766.)

Show cases,  
etc.

28236. All show cases, shelves, or other places where bakery products are sold shall be kept well covered, properly ventilated, well protected from dust and flies, and in a sweet, clean, and wholesome condition at all times.

(Added by Stats. 1947, Ch. 766.)

Receptacles  
for storing,  
etc.

28237. Boxes or other receptacles used by a retail store or selling place for the storing or receiving of bread and other bakery products before and after the store or selling place is open, shall be so constructed and placed as to be free from the contamination of streets, alleys, and sidewalks. They shall be kept clean and sanitary. No bread shall be placed in them along with any article of food other than a bakery product.

(Added by Stats. 1947, Ch. 766.)

## Article 7. Unsold Bakery Products

28240. No bakery product, other than hearth-baked bread or rolls, shall be returned by any consumer or other purchaser to the dealer or baker, nor by any dealer to the baker. Not to be returned

(Added by Stats. 1947, Ch. 766.)

28241. No baker or dealer shall directly or indirectly accept any return or make any exchange of bakery products, other than hearth-baked bread or rolls, from any dealer, restaurant or hotelkeeper, consumer, or any other person. Same

(Added by Stats. 1947, Ch. 766.)

28242. All bread and all other bakery products shall be kept moving to the consumer in as direct a line as may be practicable, without unreasonable delay, and without any exchange, return, or other practice whatsoever which may result in contamination, disease, or fraud among consumers or infection among bakeshops. Delay

(Added by Stats. 1947, Ch. 766.)

28243. The state department shall make such reasonable rules as may be necessary for carrying into effect the foregoing provisions of this article. Rules

(Added by Stats. 1947, Ch. 766.)

28244. This article does not apply to bakery products so packed or sealed in a wrapper or container at the place of production as fully to protect the freshness and wholesomeness of the product and to protect it from contamination, adulteration, deterioration, and fraud in the channels of trade, and which remains in the original unbroken package in which it has been packed. Exemptions

(Added by Stats. 1947, Ch. 766.)

28245. The state department may by rule establish such exemptions as may be necessary to facilitate the sale of any accumulated or unsold stocks of wholesome bread or other bakery products. No such exemption or sale shall be in violation of the expressed purposes of this article. Sale of accumulated stock

(Added by Stats. 1947, Ch. 766.)

## Article 8. Violations

28250. If it is found after inspection that any bakery is being operated in violation of the provisions of this chapter, the state department shall notify the proprietor in writing, stating the particulars in which the bakery is not being properly conducted, and fixing a reasonable time in which the condition shall be remedied. Notice of violation

(Added by Stats. 1947, Ch. 766.)

28251. If the requirements of the notice are not complied with, the department shall order the bakery closed and may take all necessary steps to enforce such order. Order closing

(Added by Stats. 1947, Ch. 766.)

28252. If any person feels aggrieved by any order of the state department, he may appeal to the superior court of the Appeal

county in which the bakery is located within a period of 30 days from the date of the order.

(Added by Stats. 1947, Ch. 766.)

Bond

28253. On the taking of the appeal the owner or operator of the bakery shall furnish a bond meeting with the approval of the department.

(Added by Stats. 1947, Ch. 766.)

Penalty

28254. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).

(Added by Stats. 1947, Ch. 766.)

## CHAPTER 7. FOOD SANITATION

(Chapter 7 added by Stats. 1947, Ch. 762; heading amended by Stats. 1951, Ch. 988)

### Article 1. Food Processing Establishments

"Food"

28280. "Food," as used in this chapter, includes all articles used for food, drink, confectionery, or condiment, whether simple or compound, and all substances and ingredients used in the preparation thereof.

(Added by Stats. 1947, Ch. 762; amended by Stats. 1949, Ch. 1347.)

"Food processing establishment"

28280.1. "Food processing establishment," as used in this chapter, shall mean any room, building or place or portion thereof, maintained, used or operated for the purpose of commercially storing, packaging, making, cooking, mixing, processing, bottling, canning, packing, slaughtering or otherwise preparing or handling food except restaurants.

(Added by Stats. 1951, Ch. 988.)

Sanitation of building, etc.

28281. Every food processing establishment shall be properly lighted, drained, plumbed, and ventilated; and shall be conducted with strict regard to the influence of lighting, drainage, plumbing, and ventilation upon the health of persons therein employed, and upon the purity and wholesomeness of the food therein produced, prepared for sale, manufactured, packed, stored, kept, handled, sold, or distributed.

(Added by Stats. 1947, Ch. 762; amended by Stats. 1951, Ch. 988.)

Same: floors, walls, etc.

28282. The floors, side walls, ceiling, furniture, receptacles, utensils, implements, and machinery of every food processing establishment shall at no time be kept in an unclean, unhealthful, or unsanitary condition.

"Unclean, unhealthful, or unsanitary condition"

Any of the following is deemed to be "an unclean, unhealthful, or unsanitary condition":

(a) If food in the process of manufacture, preparation, packing, storing, sale, or distribution is not securely protected from flies, dust, or dirt, and from all other foreign or injurious contamination.



(b) If refuse, dirt, and waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling, and distributing of food, are not removed daily.

(c) If all trucks, trays, boxes, baskets, buckets, other receptacles, chutes, platforms, racks, tables, shelves, knives, saws, cleavers, and all other utensils, receptacles, and machinery used in moving, handling, cutting, chopping, mixing, canning, and all other processes employed in the preparation of food are not thoroughly cleaned daily.

(d) If the clothing of employees is unclean or if they dress, undress, or leave or store their clothing in the place where the food is produced, prepared, manufactured, packed, sold or distributed.

(Added by Stats. 1947, Ch. 762; amended by Stats. 1951, Ch. 988.)

28282.5. No live animal or fowl shall be kept or allowed in any establishment where food is prepared, manufactured, kept, stored, offered for sale or sold unless such establishment is exclusively devoted to the slaughter, processing and/or sale of such animal or fowl. Animals or fowls

(Added by Stats. 1951, Ch. 988.)

28283. The side walls and ceilings of every bakery, confectionery, hotel, or restaurant kitchen shall be well plastered or ceiled with metal or lumber, or shall be oil painted or kept well lime washed, or otherwise kept in a good sanitary condition. Kitchen walls and ceilings

(Added by Stats. 1947, Ch. 762.)

28284. All interior woodwork of every bakery, confectionery, hotel, or restaurant kitchen shall be kept well oiled or painted with oil paint, and shall be kept washed clean with soap and water, or otherwise kept in a good sanitary condition. Interior woodwork

(Added by Stats. 1947, Ch. 762.)

28285. Every building, room, basement, or cellar occupied or used for the preparation, manufacture, packing, storage, sale, or distribution of food shall have an impermeable floor, made of cement, or of tile laid in cement, brick, wood, or other suitable, nonabsorbent material which can be flushed and washed clean with water. Floors

(Added by Stats. 1947, Ch. 762.)

28286. Where practicable, the doors, windows, and other openings of every food producing or distributing establishment shall be fitted with stationary or self-closing screen doors and wire window screens, of not coarser than 14 mesh wire gauze. Doors, windows, etc.

(Added by Stats. 1947, Ch. 762.)

28287. Every building, room, basement, or cellar occupied or used for the production, preparation, manufacture, packing, canning, sale, or distribution of food shall have convenient toilet or toilet-rooms, separate and apart from the room or rooms where the process of production, preparation, manufacture, packing, canning, selling, or distributing is conducted. Toilets

(Added by Stats. 1947, Ch. 762.)

- Same 28288. The floors of toilet-rooms shall be made of cement, or of tile laid in cement, wood, brick, or other nonabsorbent material, and shall be washed and scoured daily.  
(Added by Stats. 1947, Ch. 762.)
- Same 28289. The toilets shall be furnished with separate ventilating pipes or flues discharging either into soil pipes or on the outside of the building in which they are situated.  
(Added by Stats. 1947, Ch. 762.)
- Lavatories, etc. 28290. Lavatories and washrooms shall be adjacent to toilet-rooms and shall be supplied with soap, running water, and towels, and shall be maintained in a clean and sanitary condition.  
(Added by Stats. 1947, Ch. 762.)
- Employees: Washing 28291. Employees and others who handle the material from which food is prepared or the finished product shall before beginning work and immediately after visiting a toilet or lavatory, wash their hands and arms thoroughly in clean water.  
(Added by Stats. 1947, Ch. 762.)
- Sitting on tables, etc. 28292. No employee or other person shall sit or lie upon any table, bench, trough, shelf, or other equipment which is intended for use in connection with any food manufacturing process.  
(Added by Stats. 1947, Ch. 762; repealed by Stats. 1949, Ch. 1347; added by Stats. 1951, Ch. 988.)
- Expectorating 28293. No employee or other person shall expectorate or discharge any substance from his nose or mouth on the floor or interior side wall of any building, room basement, or cellar where the production, preparation, manufacture, packing, storing, or sale of any food is conducted.  
(Added by Stats. 1947, Ch. 762.)
- Sleeping in room 28294. No person shall, nor shall any person be allowed to, reside or sleep in any room of a bake-shop, public dining-room, hotel or restaurant kitchen, confectionery, or other place where food is prepared, produced, manufactured, served, or sold.  
(Added by Stats. 1947, Ch. 762.)
- Diseased persons 28295. No employer shall require, permit, or suffer any person to work, nor shall any person work, in a building, room, basement, cellar, other place, or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution, or transportation of food who is afflicted or affected with any venereal disease, smallpox, diphtheria, scarlet fever, yellow fever, tuberculosis, consumption, bubonic plague, Asiatic cholera, leprosy, trachoma, typhoid fever, epidemic dysentery, measles, mumps, German measles, whooping-cough, chicken-pox, or any other infectious or contagious disease.  
(Added by Stats. 1947, Ch. 762.)
- Inspection 28296. The board, its inspectors and agents, and all local health officers and inspectors may at all times enter any building, room, basement, cellar, or other place occupied or used, or

suspected of being occupied or used, for the production, preparation, manufacture, storage, sale, or distribution of food, and inspect the premises and all utensils, implements, receptacles, fixtures, furniture, and machinery used.

(Added by Stats. 1947, Ch. 762.)

28297. If upon inspection any such building, room, basement, cellar, or other place, or any vehicle, employer, employee, or other person is found to be in violation of or violating any of the provisions of this article, or if the production, preparation, manufacture, packing, storing, sale, or distribution of food is being conducted in a manner detrimental to the health of the employees or to the character or quality of the food being produced, prepared, manufactured, packed, stored, sold, distributed, or conveyed, the person making the inspection shall at once make a written report of the violation to the district attorney of the county, who shall prosecute the violator. He shall make a like report to the board. The board, from time to time, may publish such reports in its monthly bulletin. Reports

(Added by Stats. 1947, Ch. 762.)

28298. Every building, room, basement, cellar, or other place or thing kept, maintained, or operated in violation of this article, and all food produced, prepared, manufactured, packed, stored, kept, sold, distributed, or transported in violation of this article, is a public nuisance dangerous to health. Any such nuisance may be abated or enjoined in an action brought for that purpose by the local or state board or may be summarily abated in the manner provided by law for the summary abatement of public nuisances dangerous to health. Public nuisance

(Added by Stats. 1947, Ch. 762.)

28299. The sections contained in Article 1 of Chapter 7 of Division 21 of the Health and Safety Code are to be known as the California Food Sanitation Act. Short title

(Added by Stats. 1951, Ch. 988.)

## Article 2. Food Containers

28310. "Bottle," as employed in this article, includes any bottle or any glass or crockery food container, other than one not previously used, which is used or sold for use in the manufacture, production, preparation, compounding, blending, or packing for sale of any food, drug, or liquor. "Bottle"

(Added by Stats. 1947, Ch. 762.)

28311. This article is not applicable to containers subject to the provisions of Division IV of the Agricultural Code. Exception

(Added by Stats. 1947, Ch. 762.)

28312. The provisions of this article in reference to sterilization procedures and methods in cleaning bottles, as in this article defined, shall apply to all persons cleaning previously used bottles who are engaged in the business of packaging food, drugs, or liquors and to all persons maintaining a place of business for the cleaning and resale of such bottles sold for and to be used for packing a food, drug or liquor. Application of provisions



Unlawful  
sale

The sale for use of any such bottle by any person not licensed by the board as herein provided, when the use intended by purchaser is to package for sale a food, drug or liquor produced or packaged by such purchaser is unlawful, except in the case of a sale to a purchaser for export out of this State or who is engaged in the business of packaging food, drugs or liquors at a fixed place of business in this State and is equipped to cleanse and sterilize bottles as in this article provided.

(Added by Stats. 1947, Ch. 762; amended by Stats. 1949, Ch. 1347, and by Stats. 1951, Ch. 988.)

## License

28313. The board shall issue a license to an applicant therefor upon the receipt of such evidence as the board may require showing that the applicant is properly equipped for the cleansing and sterilization of bottles as herein provided, or at its option upon the recommendation of a city, county or city and county health officer.

## Exemption

The license provisions of this article shall not apply to food, drug or liquor manufacturers or packers who buy bottles for their own use and purposes, but do apply to any other person, firm or corporation engaged in the business of cleaning, sterilizing and reselling bottles to such manufacturers or packers except as hereinabove provided.

(Added by Stats. 1947, Ch. 762; amended by Stats. 1949, Ch. 1347.)

## Standards

28314. An establishment is deemed properly equipped for the cleansing and sterilization of bottles if it maintains and employs the following standards:

(a) Cleanses and sterilizes bottles by first soaking them in a hot caustic solution of not less than 120 degrees F. for a period of not less than five minutes which temperature shall be indicated by a thermometer. The solution shall contain not less than  $2\frac{1}{2}$  percent of caustic soda expressed in terms of sodium hydrates.

(b) Changes the cleansing solution frequently so as to prevent its becoming foul and insanitary.

(c) Thoroughly rinses the bottles after the soaking.

(Added by Stats. 1947, Ch. 762; amended by Stats. 1951, Ch. 988.)

Sterilization  
of bottles

28315. All bottles shall be cleansed and sterilized as specified in Section 28314, and shall be kept free from rust or contamination.

(Added by Stats. 1947, Ch. 762.)

## Certificates

28316. A licensee shall issue a certificate of sterilization with each shipment of bottles to a purchaser, stating that the licensee has cleansed and sterilized the bottles in the manner required by this article.

(Added by Stats. 1947, Ch. 762.)

Revocation  
of license

28317. If any licensee fails to maintain his equipment and to cleanse or sterilize any bottle in the manner required by this article, and issues a certificate knowing its contents to be untrue, the board may revoke or suspend his license after a hearing. The proceedings for the revocation or suspension of a license shall be conducted in accordance with Chapter 5 of Part

1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

(Added by Stats. 1947, Ch. 762.)

28318. Any purchaser of a bottle who shows a certificate of sterilization signed by a licensed seller thereof complies sufficiently with this article.

Purchase  
from licensed  
seller

(Added by Stats. 1947, Ch. 762.)

28319. Nothing in this article prohibits the sale for use of any uncleansed or unsterilized bottle to a purchaser who is licensed under this article.

Sale to  
licensed  
purchaser

(Added by Stats. 1947, Ch. 762.)

28320. Food containers manufactured from second-hand tin plate and intended for the packing of hermetically sealed canned food products intended to be used for human consumption shall not be so used unless the tin plate from which they are manufactured has, prior to their manufacture, been cleansed and sterilized by thorough immersion in boiling water, and then dried on hot rolls or by the use of heated air.

Used tin  
plate

The board may inspect any place where the containers are manufactured for the purpose of enforcing this section.

(Added by Stats. 1947, Ch. 762.)

28321. The provisions of this article with the exception of the licensing provisions may be enforced by any local enforcement division, which shall be construed to mean the local health department, headed by the duly appointed, qualified and acting health officer of any county, city or city and county. Such territory may include one or more counties, cities or cities and counties.

Local health  
department

(Added by Stats. 1949, Ch. 1347.)

28322. A carbonated nonalcoholic beverage shall be deemed to be misbranded if in a bottle or other closed container unless the name and address of the bottler or distributor thereof appears on such container by being molded, printed, or otherwise labeled thereon, or said name and address is shown on the crown or cap of such container if such container is a permanently and distinctively branded bottle. A carbonated nonalcoholic beverage shall not be deemed to be misbranded under this section if in a bottle or other closed container on which is molded, printed or otherwise labeled the product name, trade-mark or brand of the distributor or bottler thereof and if a sworn affidavit has been filed in the Bureau of Food and Drug Inspections of the Department of Public Health stating the name, trade-mark, or brand of such carbonated beverage, a full and complete description of each territory or area of the State in which such beverage is to be distributed, and the names and addresses of such persons as are responsible for compliance with this division in the bottling and distribution of such beverage in each territory or area of the State in which such beverage is distributed. Nothing in this section shall be deemed to exempt any bottler or distributor of a carbonated beverage or beverages from any provision of Chapter 3 of this division:

Carbonated  
beverages

(Added by Stats. 1951, Ch. 533.)

## Article 3. Closed Containers

Closed  
containers

28325. Except when sold in bulk for manufacturing purposes, it is unlawful to sell or otherwise dispose of at retail jams, jellies, preserves, marmalades, peanut butter, horseradish, mayonnaise, or salad dressings other than in closed containers approved by the board, when the board determines that any other method of sale or disposition of any such food or food product is conducive to its contamination by flies, insects, dust, dirt, or foreign material of any kind whatsoever.

(Added by Stats. 1947, Ch. 762.)

## Article 4. Walnuts

Exempts  
grower

28330. This article does not apply to the shelling, cleaning, grading, or packing of any walnuts by the grower thereof upon the land where the walnuts are grown.

(Added by Stats. 1947, Ch. 762.)

Preparation  
on licensed  
premises

28331. It is unlawful for any person to shell any walnuts intended for sale for human consumption or which are sold for human consumption, or to pack, clean, grade, or otherwise prepare such walnuts after shelling, except upon premises which are licensed as provided in this article.

(Added by Stats. 1947, Ch. 762.)

Application  
for license

28332. No license shall be issued except upon application and after inspection by the board of the premises for which the license is requested, and only if the board finds that the premises comply with the standards prescribed in Sections 28280 to 28287, both inclusive, and 28295 of this chapter.

(Added by Stats. 1947, Ch. 762.)

Inspection

28333. The board shall inspect the premises within 10 days after the date of the filing of the application.

(Added by Stats. 1947, Ch. 762.)

Term

28334. A license issued by the board shall not be for a period of more than one year, and shall expire at the end of the period for which it is issued.

(Added by Stats. 1947, Ch. 762.)

Revoca-  
tion, etc.

28335. At any time after the issuance of the license the premises covered thereby may be reinspected by the board, and the license may be revoked or suspended after a hearing by the board if it finds that the premises no longer comply with the standards prescribed by Sections 28280 to 28287, both inclusive, and 28295 of this chapter. The proceedings for the revocation or suspension of a license shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

(Added by Stats. 1947, Ch. 762.)

Records

28336. All licensees and others subject to Section 28337 shall keep accurate and sufficient records showing their respective shelling, cleaning, grading, packing, preparing, purchasing, and receiving operations in shelled walnuts, and the names and addresses of their employees and agents. Such



records shall be kept in the form prescribed by the board, and are subject to inspection at any time by the board.

Failure to keep any records required by this section is unlawful.

(Added by Stats. 1947, Ch. 762.)

28337. It is unlawful for any person to purchase, acquire, or receive for sale or introduction into the channels of trade, in their original or any modified or manufactured form, any shelled walnuts, or products thereof, which were shelled, cleaned, graded, packed, or otherwise prepared other than on licensed premises.

Preparation  
on licensed  
premises

(Added by Stats. 1947, Ch. 762.)

28338. The annual fee for a license issued pursuant to this article is twenty-five dollars (\$25).

All fees shall be deposited with the State Treasurer.

(Added by Stats. 1947, Ch. 762.)

28339. The board may issue and enforce all rules and regulations necessary to carry out this article, and may prescribe forms and accounting methods to be used by licensees with respect to operations subject to license under this article.

Rules and  
regulations

(Added by Stats. 1947, Ch. 762.)

## Article 5. Violations

28345. Any person, whether as principal or agent, employer or employee, who violates any of the provisions of this chapter is guilty of a misdemeanor punishable upon conviction by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. Each day's violation is a separate and distinct offense.

Penalty

(Added by Stats. 1947, Ch. 762.)

## CHAPTER 8. CANNERIES

(Chapter 8 added by Stats. 1947, Ch. 764)

### Article 1. Definitions and Scope

28360. "State board," as used in this chapter, means the State Board of Public Health.

"State  
board"

(Added by Stats. 1947, Ch. 764.)

28361. "Meat or meat product" as used in this chapter, means any meat or meat product which is not subject to the inspection of the Division of Animal Industry of the State Department of Agriculture, or of the Bureau of Animal Industry of the United States Department of Agriculture, or of an approved municipal inspection department or establishment.

"Meat  
or meat  
product"

(Added by Stats. 1947, Ch. 764; amended by Stats. 1949, Ch. 581.)

28362. "Food product," as used in this chapter, includes any fish or fish product, meat or meat product, or any other food product.

"Food  
product"

(Added by Stats. 1947, Ch. 764.)

**Exemptions** 28363. The operation of noncommercial canning centers by community canning centers, schools, churches, other organizations, or housewives who pack hermetically sealed canned food products for their own consumption and do not sell the canned food, is exempt from the licensing provisions of this chapter.

(Added by Stats. 1947, Ch. 764.)

**Permit** 28364. In lieu of a license, a permit to operate such a canning center shall be issued without cost by the board upon the submission of such evidence as the board requires to show that the persons operating the center are qualified and that the center is properly equipped and meets all other provisions of this chapter.

(Added by Stats. 1947, Ch. 764.)

**Acidulation, etc.** 28365. Food products which do not require the use of a pressure cooker but necessitate acidulation and pH determinations come within this chapter.

(Added by Stats. 1947, Ch. 764.)

**Unlawful acts** 28366. No act which is unlawful under Chapter 3 of this division, relating to the adulterating, mislabeling, misbranding, false advertising, and sale of foods, is lawful by reason of this chapter.

(Added by Stats. 1947, Ch. 764.)

## Article 2. Cannery Inspection Board

**Cannery Inspection Board: Members** 28380. There is in the State Government a Cannery Inspection Board consisting of the following six members:

(a) The director of the state department, who shall act as chairman.

(b) One man appointed by the State Board of Health who shall have had at the time of his appointment at least ten (10) years experience in or with canning technology and has a degree in chemistry, bacteriology or medicine.

(c) Four men appointed by the state board who are experienced, have substantial investments and are actively engaged in the canning industry at the time of their appointment.

One of the four appointive members shall be engaged in the canning of animal food.

(Added by Stats. 1947, Ch. 764; amended by Stats. 1949, Ch. 581.)

**Term** 28381. Each appointed member holds office for a term of one year or until his successor is appointed.

(Added by Stats. 1947, Ch. 764.)

**Compensation** 28382. Members of the board serve without compensation.

(Added by Stats. 1947, Ch. 764.)

**Estimate of cost of inspection** 28383. The Cannery Inspection Board shall, subject to the approval of the state board, estimate the cost of the separate inspection and laboratory control required to be made for each food product subject to this chapter.

(Added by Stats. 1947, Ch. 764.)

28384. The estimate shall be made prior to the opening <sup>When made</sup> of the canning season for each such product having a canning season of less than three consecutive months, and prior to each quarter for each such product having a canning season of more than three consecutive months.

(Added by Stats. 1947, Ch. 764.)

28385. For the purpose of prorating the estimated cost <sup>Estimate of pack</sup> of inspection and laboratory control, the Cannery Inspection Board, subject to the approval of the state board, shall estimate the number of cases to be packed, the number of tons to be packed, or the number of man-hours necessary to be employed, whichever in its discretion is most equitable as a basis of proration.

(Added by Stats. 1947, Ch. 764.)

28386. Based on the estimates required by the last three <sup>Probable cost</sup> sections, the Cannery Inspection Board, subject to the approval of the state board, shall determine the probable cost of inspection and laboratory control per thousand cases, per ton, or per man-hour, whichever in its discretion is most equitable.

(Added by Stats. 1947, Ch. 764.)

28387. The cost of laboratory control and research on <sup>Proration of cost</sup> products subject to this chapter shall be prorated by the Cannery Inspection Board in the same manner as the costs of inspection are prorated by it.

(Added by Stats. 1947, Ch. 764.)

28388. If the delegation of discretion to determine <sup>Validity</sup> whether the case, ton, or man-hour basis is most equitable as a basis of prorating the cost of inspection and laboratory control is held invalid as an unlawful delegation of legislative power, such invalidity shall not affect the validity of the remaining portions of this chapter. The Legislature hereby declares that if it had known that the delegation of such discretion would be declared invalid as an unlawful delegation of legislative power, it would have designated the man-hour basis of proration as the most equitable basis of proration. In the event of such invalidity, the cost of inspection and laboratory control shall be prorated on the man-hour basis.

(Added by Stats. 1947, Ch. 764.)

### Article 3. Proration of Costs

28400. At the end of each quarter, or at the close of any <sup>Actual cost</sup> canning season which does not exceed three consecutive months, the state board shall determine the actual cost of inspection and laboratory control of each separate food product for the preceding quarter or preceding canning season, and shall prorate such cost to each person licensed under this chapter on the basis of cases packed, tons packed, or number of man hours necessary to be employed, whichever has been determined by the Cannery Inspection Board, with the approval of the state board, to be most equitable.

(Added by Stats. 1947, Ch. 764.)



Cost of  
separate in-  
spection, etc.

28401. In making any separate inspection and laboratory control for any food product, the state board shall not spend more than the amount estimated by the Cannery Inspection Board as the cost of the inspection without the approval of the Cannery Inspection Board.

(Added by Stats. 1947, Ch. 764.)

Standby  
services of  
inspectors

28402. In making estimates, determinations, assessments, and prorations under Articles 2 and 3 of this Chapter, the Cannery Inspection Board and the state board may include as a part of the cost of inspection a reasonable charge for stand-by services of inspectors.

(Added by Stats. 1947, Ch. 764.)

#### Article 4. Licenses and Licensees

License for  
canning

28410. It is unlawful for any person to engage in the non-commercial canning of salmon, or in the commercial canning of any fish or fish product, meat or meat product, or any other food product for the use of man or animal, the sterilization of which in the opinion of the state board requires the use of a pressure cooker or a retort, without first obtaining a license from the state board.

(Added by Stats. 1947, Ch. 764.)

Fee

28411. The state board shall issue an annual license to any person on the receipt of fifty dollars (\$50) per plant, and such evidence as the board may require to show that (1) the applicant is properly equipped with a retort or pressure cooker which has recording thermometers, indicating thermometers, and pressure gauges to carry out such rules and regulations as the state department may adopt for the sterilization of food products for the canning of which a license is sought and (2) the applicant is in compliance with the sanitary regulations of the state board. The applicant shall be deemed to be in compliance with such sanitary regulations unless the applicant has been given written notice by the state board not less than sixty (60) days prior to the expiration of the existing license that the cannery does not comply with such sanitary regulations, and the applicant has subsequently failed to bring the cannery into compliance therewith.

(Added by Stats. 1947, Ch. 764; amended by Stats. 1949, Ch. 581.)

Hearing

28411.5. Any person who has been denied the annual license provided in this chapter may obtain a hearing by the state board by mailing a written request therefor to said board. The state board shall give the applicant at least ten (10) days notice of such hearing and shall hold such hearing within thirty (30) days of the receipt of such request.

Notice

(Added by Stats. 1949, Ch. 581.)

Cash deposit

28412. In addition to the annual license fee, the state board shall demand from each licensee such cash deposit for the payment of his pro rata share of the estimated cost of

inspection and laboratory control as the state board may deem necessary.

(Added by Stats. 1947, Ch. 764; amended by Stats. 1947, Ch. 810.)

28413. If the deposit made by any licensee is insufficient to meet the actual cost of an inspection and laboratory control of any product determined by the state board, the later shall demand from the licensee, and the licensee shall immediately pay to the state board, in addition to the license fee payable by the licensee, the difference between the deposit and his pro rata share of the actual cost of the inspection and laboratory control.

Insufficient  
deposit

(Added by Stats. 1947, Ch. 764.)

28414. If at the end of the calendar year, or at the end of any canning season of less than three consecutive months the deposit made by any licensee under this chapter is greater than the actual cost prorated to the licensee, the difference shall be refunded if requested by such licensee in accordance with law. If the difference is not so refunded, it shall be credited toward the required deposit for the next calendar year or canning season.

Refunds

(Added by Stats. 1947, Ch. 764; amended by Stats. 1947, Ch. 810.)

28415. No food product subject to the inspection required by this chapter shall be shipped by the licensee who packed it until the licensee has either paid his pro rata share of the estimated cost of inspection or has furnished the state board a cash deposit for the payment of his pro rata share of such cost.

Payment  
before  
shipping

(Added by Stats. 1947, Ch. 764; amended by Stats. 1947, Ch. 810.)

28416. The state board may after notice and opportunity for hearing suspend or revoke a license issued under this chapter for any of the following causes:

Revocation  
of license

(a) Nonpayment of the pro rata share of the cost of inspection and laboratory control, or failure to comply with a demand for a cash deposit or other security by the holder of the license.

(b) Noncompliance with any of the regulations of the state board.

(c) Operation of an insanitary cannery after due notice by registered mail has been received.

(d) Inadequate rat-proofing of a cannery throughout.

(e) Wilful packing of any canned food commodity which has been rejected by an agent of the state department.

(f) Packing of any canned food commodity subject to this chapter without notifying the state department before packing.

(Added by Stats. 1947, Ch. 764.)

**Suspensions** 28417. After conviction for a violation of Chapter 3 of this division, the license or the person convicted may be suspended for a period of from 1 to 30 days.

(Added by Stats. 1947, Ch. 764.)

**Procedure** 28418. Proceedings for the suspension and revocation of licenses shall be conducted in accordance with Chapter 5, Part 1, Division 3, Title 2 of the Government Code; and the state board has all the powers granted therein.

(Added by Stats. 1947, Ch. 764.)

### Article 5. General Provisions

**Permit to operate steam retort** 28430. No person shall permit another to operate a steam controlled retort used in the commercial canning industry for the sterilization of food products, unless the latter first obtains a permit from the state board. The board may pass upon and determine the qualifications of the applicant with a view to the preservation of the public health.

Any permit granted is revocable by the board whenever in its judgment the public health requires such action.

(Added by Stats. 1947, Ch. 764.)

**Labels** 28431. It is unlawful for any person to place upon the label of any bottle, can, jar, carton, case, box, barrel, or any other receptacle, vessel, or container of whatever material or nature which may be used by a packer, manufacturer, producer, jobber, or dealer for enclosing any canned food product, fish or fish product, or meat or meat product, any statement relative to the product having been inspected, unless the statement has been approved in writing by the state board.

Approval of a statement is revocable at any time by the state board upon written notice.

(Added by Stats. 1947, Ch. 764.)

**Quarantine** 28432. Any food product packed in violation of this chapter may be quarantined by the state board until a laboratory examination has established that the product meets the requirements of this chapter.

(Added by Stats. 1947, Ch. 764.)

**Cost of examination** 28433. Any person who packs any food product which has been quarantined by the state board shall pay the state board all reasonable costs of any laboratory examination, determined by the Cannery Inspection Board, subject to the approval of the state board, to be necessary to ascertain that the seized product was packed in violation of this chapter.

(Added by Stats. 1947, Ch. 764.)

**Supervision of fish canning** 28434. The Division of Cannery Inspections has supervision over the inspection and examination of raw fish and fish products preparatory to canning.

The cost of the inspection and examination shall be determined and paid in the manner provided in Article 2 of this chapter.

(Added by Stats. 1947, Ch. 764.)



## Article 6. Rules and Enforcement

28440. The state board may make such rules and regulations as it deems necessary for the proper enforcement of this chapter, and such rules and regulations shall have the force and effect of law. Rules and regulations

(Added by Stats. 1947, Ch. 764.)

28441. No rule or regulation or amendment thereto shall be adopted unless submitted by the state board to the Cannery Inspection Board at least five days prior to the date of adoption. Submission to Cannery Inspection Board

(Added by Stats. 1947, Ch. 764.)

28442. The state board shall enforce its rules and regulations and the provisions of Chapter 3 of this division relating to the canning of food products, through the Chief of the Bureau of Cannery Inspections and such other employees as it deems necessary. The state board shall, so far as practicable, acquaint each licensee subject to this chapter with its rules and regulations, and upon request therefor by any licensee shall furnish a copy of such rules and regulations. Enforcement

(Added by Stats. 1947, Ch. 764.)

28443. The district attorney of the county in which any violation of this chapter occurs shall prosecute the person accused of the violation. Prosecution

(Added by Stats. 1947, Ch. 764.)

## Article 7. Funds

28450. (Added by Stats. 1947, Ch. 764; repealed by Stats. 1951, Ch. 1261. Effective June 30, 1951, operative July 1, 1951. See note following Section 117.)

28451. All money received by the State Department of Public Health under the provisions of this chapter shall be paid at least once each month to the State Treasurer, and on order of the State Controller, shall be deposited in the General Fund in the State Treasury. Deposit of moneys

(Added by Stats. 1951, Ch. 1261. Effective June 30, 1951, operative July 1, 1951. See note following Section 117.)

28452. Notwithstanding the provisions of Section 28451, the State Department of Public Health and the Department of Finance may authorize the deposit in the Special Deposit Fund of cash deposits received by the State Department of Public Health under the provisions of Section 28412; and in such event, upon the determination by the State Department of Public Health that all or a part of any such deposit is due the State for payment on account of the depositor's pro-rata share of costs incurred by the State under this chapter, the amount so determined shall, on order of the State Controller, be transferred from the Special Deposit Fund to the General Fund. Special Deposit Fund

All money deposited in the Special Deposit Fund under the provisions of this section shall be subject to the provisions of Article 2 of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code. Applicable provisions

(Added by Stats. 1951, Ch. 1261. Effective June 30, 1951, operative July 1, 1951. See note following Section 117.)

## Article 8. Violations

- Penalty** 28455. Any person who does not obtain a license required of him by this chapter, or who engages in canning operations after his license has been suspended or revoked, or who otherwise violates this chapter, is guilty of a misdemeanor, and upon conviction is punishable by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for not exceeding six months.  
(Added by Stats. 1947, Ch. 764.)

## CHAPTER 9. OLIVE OIL

(Chapter 9 added by Stats. 1947, Ch. 710)

- "Olive oil"** 28475. "Olive oil," as used in this chapter, means the edible oil obtained from the fruit of the olive tree (*olea europea* L.).  
(Added by Stats. 1947, Ch. 710.)
- "Imitation olive oil"** 28476. "Imitation olive oil," as used in this chapter, means the mixture of any edible oil with olive oil; or any edible oil artificially colored or flavored to resemble olive oil.  
(Added by Stats. 1947, Ch. 710.)
- Scope** 28477. This chapter does not apply to olive oil in packaged form in existence on May 2, 1943.  
(Added by Stats. 1947, Ch. 710.)
- License** 28478. Unless a license so to do is first obtained from the board, it is unlawful for any person in this State to engage in the packaging or manufacture of olive oil, or in the wholesale distribution of olive oil where his name and address will appear upon olive oil containers of one pint capacity or larger, as the distributor and his name will appear upon the containers as the only California addressee.  
(Added by Stats. 1947, Ch. 710; amended by Stats. 1949, Ch. 1572.)
- Application** 28479. On receipt of an application showing that the applicant is properly equipped to package or manufacture olive oil, or is a wholesale distributor of olive oil whose name and address will appear upon olive oil containers as distributor and whose name also will appear upon such containers as the only California addressee, the board shall, free of charge, issue the applicant a license, not transferable, but good until revoked, to package, manufacture, or distribute olive oil as the case may be.  
The board may revoke or suspend such license after a hearing. The proceedings for the revocation or suspension of a license shall be in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.  
(Added by Stats. 1947, Ch. 710; amended by Stats. 1949, Ch. 1572.)
- Manufacture, etc., of imitation olive oil** 28480. It is unlawful to manufacture, sell, offer for sale, give away, or to possess imitation olive oil in the State.

This section does not prohibit the blending of olive oil with other edible oils by any person in his own home for his own personal use.

(Added by Stats. 1947, Ch. 710; amended by Stats. 1949, Ch. 1572.)

28481. The use of any artificial color or flavor in the manufacture or blending of olive oil is prohibited. Artificial color, etc.

(Added by Stats. 1947, Ch. 710.)

28482. It is unlawful to prepare, express, mix, or blend olive pomace or meats with any bland fixed oil other than olive oil. Mix or blend

(Added by Stats. 1947, Ch. 710.)

28483. All records of those licensed under the provisions of this act which concern the amounts of olive oil produced and/or purchased, or the sale and/or distribution of any olive oil, shall be open to inspection upon demand of any agent of this board. Records open to public inspection

(Added by Stats. 1947, Ch. 710; repealed and added by Stats. 1951, Ch. 814.)

28484. It is unlawful to reuse any olive oil container, can, or drum for repacking any fixed oil intended to be used for food purposes, except on the premises of the processor. Repacking

(Added by Stats. 1947, Ch. 710.)

28485. All olive oil for technical purposes shall be denatured with an odoriferous substance so as to render it unfit for food purposes. Technical purposes

(Added by Stats. 1947, Ch. 710.)

28486. It is unlawful to sell or offer for sale olive oil containing more than 5 percent free fatty acid without first denaturing the oil and making it unfit for human consumption. Fatty acid content

(Added by Stats. 1947, Ch. 710.)

28487. The board shall enforce the provisions of this chapter. Enforcement

(Added by Stats. 1947, Ch. 710.)

28488. Any person violating any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not exceeding one year, or by both such fine and imprisonment. Penalty

(Added by Stats. 1947, Ch. 710.)

## CHAPTER 10. FOOD SULPHURS

(Chapter 10 added by Stats. 1947, Ch. 709)

28500. "Sulphur for sulphuring fruits or other foods," as used in this chapter, means sulphur which contains not more than 10 parts per million of arsenic oxide ( $As_2O_3$ ). "Sulphur," etc.

(Added by Stats. 1947, Ch. 709.)

28501. Every package, parcel, bag, or container of sulphur for sulphuring fruits or other foods shall be labeled or tagged. Labeling

(Added by Stats. 1947, Ch. 709.)



Contents of label	28502. The label or tag shall contain the words in boldfaced type, not less than one-fourth of an inch in height, "sulphur for sulphuring fruits or other foods." (Added by Stats. 1947, Ch. 709.)
Same	28503. The label or tag shall also contain the name and address of the person who manufactures, prepares, or packs the sulphur. (Added by Stats. 1947, Ch. 709.)
Form of label	28504. The board shall prescribe the form of the tags or labels to be used. (Added by Stats. 1947, Ch. 709.)
Prohibition	28505. No person shall use sulphur containing more than 10 parts per million of arsenic oxide ( $As_2O_3$ ) for the purpose of sulphuring fruits or other foods. (Added by Stats. 1947, Ch. 709.)
Same	28506. No person shall sell, offer for sale, or keep for sale sulphur containing more than 10 parts per million of arsenic oxide ( $As_2O_3$ ) for the purpose of sulphuring fruits or other foods. (Added by Stats. 1947, Ch. 709.)
Enforcement	28507. The board shall enforce the provisions of this chapter. (Added by Stats. 1947, Ch. 709.)
Rules and regulations	28508. The board shall prescribe and enforce such rules and regulations as it may deem necessary to carry into effect the full intent and meaning of this chapter. (Added by Stats. 1947, Ch. 709.)
Penalty	28509. Any person who violates any provision of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five dollars (\$5) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for a term not exceeding six months, or by both. (Added by Stats. 1947, Ch. 709.)

## CHAPTER 11. SANITATION OF RESTAURANTS

(Chapter 11 added by Stats. 1947, Ch. 394)

NOTE: Stats. 1947, Ch. 394, which added Chapter 11, also contained this section:

SEC. 2. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, or the application of such provision to any other person or circumstances, shall not be affected thereby.

### Article 1. Definitions and General Provisions

"California Restaurant Act"	28600. This chapter is known as the "California Restaurant Act." (Added by Stats. 1947, Ch. 394.)
Definitions	28601. Unless the context otherwise requires, the definitions set forth in this article govern the construction of this chapter. (Added by Stats. 1947, Ch. 394.)
"Restaurant"	28602. "Restaurant" means any coffee shop, cafeteria, shortorder cafe, luncheonette, tavern, sandwich stand, soda fountain, and any other eating or drinking establishment which

sells or offers for sale food to the public, as well as kitchens in which food or drink is prepared on the premises for sale or distribution elsewhere.

(Added by Stats. 1947, Ch. 394.)

28603. "Food" and beverage includes all articles used for "Food" food, drink, confectionery or condiment, whether simple or compound, and all substances and ingredients used in the preparation thereof for human consumption, but does not include foods or beverages enclosed in hermetically sealed containers.

(Added by Stats. 1947, Ch. 394.)

28604. "Employee" means any person employed with or "Employee" without pay in a restaurant.

(Added by Stats. 1947, Ch. 394.)

28605. "Utensils" includes kitchenware, tableware, glass- "Utensils" ware, cutlery, containers, machinery, implements, receptacles, supplies, or other equipment used for the storage, preparation, distribution, or serving of food or drink.

(Added by Stats. 1947, Ch. 394.)

## Article 2. Sanitation Requirements for Restaurants

28620. The floors of all rooms in which food or drink is **Floors** stored, prepared, or handled, or in which utensils are washed, shall be kept clean and in good repair. The floors of all rooms in which food or drink is prepared or utensils washed shall have a smooth, washable surface.

(Added by Stats. 1947, Ch. 394.)

28621. The walls and ceilings of all rooms in which food or **Walls and ceilings** drink is stored, prepared, or handled shall be kept clean and in good repair. The walls and ceilings of all rooms in which food or drink is prepared or utensils washed shall have a smooth washable surface.

(Added by Stats. 1947, Ch. 394.)

28622. All openings into outer air of rooms in which food **Openings** is prepared or served shall be effectively screened with wire screen of not coarser than 16 mesh, unless other effective means are provided to prevent the entrance of flies. Screen doors to the outer air shall open outward and shall be self-closing.

(Added by Stats. 1947, Ch. 394.)

28623. That part of any room in which food or drink is **Lighting** prepared or in which utensils are washed shall be well lighted with a minimum light intensity of not less than 10-foot candles.

(Added by Stats. 1947, Ch. 394.)

28624. All rooms in which food or drink is stored, prepared, **Ventilation** distributed, or served, or in which utensils are washed, shall be properly ventilated.

(Added by Stats. 1947, Ch. 394.)

28625. Hot and cold running water under pressure shall be **Water supply** accessible to all rooms in which food is prepared or utensils are washed. The water supply shall be adequate and of a safe, sanitary quality. Hot and cold running water need not be provided if single service utensils are used exclusively.

(Added by Stats. 1947, Ch. 394.)

**Toilet facilities**

28626. Every restaurant, excepting vehicles, shall be provided with adequate and conveniently located toilet facilities on the premises for its employees or operatives. Toilet rooms installed after the effective date of this chapter shall be not less than eighteen (18) square feet in area. Toilet rooms shall not open into any room in which food, drinks, or utensils are handled or stored. The doors of all toilet rooms and ante rooms shall be self-closing. Toilet rooms shall be kept in a clean condition and in good repair, well lighted and ventilated to the outside air and effectively screened against insects and free from rodents. Floors shall be of cement, tile laid in cement, vitrified brick, or other nonabsorbent material. All sewer drains shall be connected to an approved sewage disposal system, and shall be properly trapped. No toilet room shall be used for the storage of garments, food products, or utensils.

(Added by Stats. 1947, Ch. 394.)

**Lavatories**

28627. Adequate and convenient handwashing facilities shall be provided within or adjacent to toilet rooms, including running water, soap, and approved sanitary towels, in all restaurants. The use of a common towel is prohibited. No employee or owner shall resume work in a restaurant after visiting the toilet without first washing his hands, and legible signs shall be posted in each toilet room directing to this requirement.

(Added by Stats. 1947, Ch. 394.)

**Utensils**

28628. All multiuse utensils and all show and display cases or windows, counters, shelves, tables, stoves, hoods, refrigerating equipment, utensils, or other equipment shall be kept clean and in good repair. All multiuse dishes and utensils shall be kept free of breaks, corrosion, open seams, cracks, and chipped places. All restaurants shall be provided with at least a two-compartment metal sink with metal drain boards, or an adequate dishwashing machine except where single service eating and drinking utensils are used exclusively.

(Added by Stats. 1947, Ch. 394.)

**Cleaning utensils**

28629. All, except single service, eating and drinking utensils shall be thoroughly cleaned and then effectively subjected to one of the following approved bactericidal processes after each usage:

(a) Immersion for at least one-half minute in clean, hot water at a temperature of at least 180° F.

(b) Immersion for at least one-half minute in a chlorine bath containing at least 100 parts per million at all times of available chlorine if hypochlorites are used, or a concentration of equal bactericidal efficiency if chloramines are used.

(c) Any other method approved by the State Department of Public Health.

Drying cloths, if used, shall be clean and shall be used for no other purpose. No article, polish, or other substance containing any cyanide preparation or other poisonous material shall be used for the cleaning or polishing of utensils.

(Added by Stats. 1947, Ch. 394.)



28630. After washing and bactericidal treatment, utensils shall be handled in such a manner as to prevent contamination. They shall be stored in a clean place, protected from flies, dust, and other contamination. Single service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean dry place until used, shall be handled in a sanitary manner, and shall be used only once. Storage of utensils

(Added by Stats. 1947, Ch. 394.)

28631. All wastes shall be properly disposed of, and all garbage and trash shall be kept in suitable, leak-proof, non-absorbent metal receptacles covered with close-fitting metal lids. Receptacles into which waste products are emptied at frequent intervals shall not be required to have lids during such use. Such receptacles shall be thoroughly cleansed after emptying and before re-use. Garbage and waste

(Added by Stats. 1947, Ch. 394.)

28632. All food and drink manufactured, produced, prepared, compounded, packed, stored, kept for sale, offered for sale, sold, or served in a restaurant shall comply with the provisions of Chapter 3 of this division. Pure foods

(Added by Stats. 1947, Ch. 394.)

28633. All food or drink shall be so stored, displayed, dispensed, or served as to be reasonably protected from dust, dirt, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage, or other contamination. Protection from contamination

(Added by Stats. 1947, Ch. 394.)

28634. No live animal or fowl shall be kept or allowed in any room where food or beverage is stored, kept, or served in a restaurant where there exists any possibility of food contamination, whether directly or indirectly, or which produce disagreeable or obnoxious odors, except that this section shall not apply to premises exclusively devoted to the slaughter of animals or fowl for food, nor shall this section apply to dogs being used by the blind. Animals

(Added by Stats. 1947, Ch. 394.)

28635. The premises of all restaurants shall be kept clean and free, by all reasonable means, of litter, rubbish, rodents, roaches, ants, flies, or other insects. Premises

(Added by Stats. 1947, Ch. 394.)

28636. No operation connected with the storage or preparation of food in a restaurant shall be conducted in any room used as living or sleeping quarters. Living quarters

(Added by Stats. 1947, Ch. 394.)

28637. No couch, cot, bed, or other accessory which may be used for sleeping purposes shall be maintained or kept in any room in which food or drink is stored, prepared, or handled. Beds

(Added by Stats. 1947, Ch. 394.)

28638. No owner or employee shall dress or undress in any room where food is prepared or served. He shall not leave or store his clothing therein. A suitable room or space shall be Storage of clothing

provided where employees may change and store their outer garments.

(Added by Stats. 1947, Ch. 394.)

Soiled  
laundry

28639. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose.

(Added by Stats. 1947, Ch. 394.)

### Article 3. Health Requisites

Cleanliness  
of employees

28650. All employees and owners while engaged in the preparation or serving of food in a restaurant shall wear clean outer garments, shall keep their hands clean, and shall not expectorate or use tobacco in any form while so engaged. Female employees shall wear hair nets, caps, or other suitable covering which confines the hair.

(Added by Stats. 1947, Ch. 394.)

Communi-  
cable disease

28651. No person shall be employed in a restaurant who, in the opinion of the health officer having jurisdiction, if affected with, or a carrier of, any disease in a stage which is likely to be communicable to persons exposed as a result of the affected employee's normal duties as a food handler.

(Added by Stats. 1947, Ch. 394.)

Investigation  
of infection

28652. When a complaint or information as to the possibility of the transmission of infection from any restaurant employee or owner is presented to the health officer having jurisdiction, he shall investigate, and may, after investigation, require, in writing, any or all of the following measures:

(a) The immediate exclusion of such employee or owner from the restaurant by the health officer.

(b) The immediate closing of the restaurant until no further danger of disease outbreak exists in the opinion of the health officer.

(c) Adequate medical examination of the owner, employee, and his coemployees, with such laboratory examination as may be indicated; or should such examination or examinations be refused, then the immediate exclusion of the refusing owner, employee, or coemployee from that or any other restaurant until an adequate medical or laboratory examination shows that he is not affected with or a carrier of any disease in a communicable form.

(Added by Stats. 1947, Ch. 394.)

### Article 4. Enforcement and Inspection

Enforcement  
officers

28660. The director, inspectors, and agents appointed by the board, and all health officers and duly authorized agents thereof, and inspectors are charged with the enforcement of the provisions of this chapter.

(Added by Stats. 1947, Ch. 394.)

Entrance for  
inspection

28661. The Director of the State Department of Public Health, inspectors, and agents employed by the department, and health officers and duly authorized agents thereof, may at all reasonable times enter any restaurant or any place suspected

of being a restaurant to inspect the premises and utensils, implements, machinery, receptacles, fixtures, furniture, and other equipment, supplies, articles of food, operatives, and employees therein.

(Added by Stats. 1947, Ch. 394.)

28662. Any person who violates any provision of this chapter is guilty of a misdemeanor. Each offense shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

Penalty

(Added by Stats. 1947, Ch. 394.)

28663. The provisions of this chapter shall not prevent local authorities of any city, county, or city and county, within the reasonable exercise of the police power, from adopting rules and regulations, by ordinance or resolution, prescribing standards of sanitation, health and hygiene for restaurants, and requiring a local health permit to maintain and conduct any such restaurant within such city, county, or city and county; provided, however, that any restaurant which complies with such local health ordinance or resolution in any such city, county, or city and county shall not be subject to such regulations under the ordinance or resolution of any other city, county, or city and county.

Rules and regulations of local agency

Whenever the enforcement of the minimum requirements of this chapter by any organized local health service is satisfactory to the State Department of Public Health, the enforcement of the provisions of this chapter shall not be duplicated by the State Department of Public Health, except as may be necessary to determine its satisfactory enforcement by the local authorities.

Duplication by state officials

(Added by Stats. 1947, Ch. 394.)

28663.5. The State Department of Public Health may adopt and enforce rules and regulations for the execution of its duties under this chapter.

Department rules and regulations

(Added by Stats. 1947, Ch. 394.)

28664. Camps subject to the provisions of Article 4, Chapter 1, Part 9, of Division 2 of the Labor Code, and dining cars and other railroad rolling equipment which are subject to the United States Public Health Service inspection, are not subject to the provisions of this chapter.

Exemptions

(Added by Stats. 1947, Ch. 394.)

28665. Every restaurant owner covered by this act shall post in a conspicuous place the provisions of this chapter, which shall be printed and made available to such restaurant owners by the State Department of Public Health.

Posting of provisions

(Added by Stats. 1947, Ch. 394.)



## CHAPTER 12. FROZEN FOODS

(Chapter 12 added by Stats. 1951, Ch. 1594)

Definitions	28700. When used in this chapter, unless the context otherwise requires:
"Food"	(a) "Food" means any article used by man for food, drink, confectionery or condiment, or which enters into the composition thereof, whether simple, blended, mixed or compounded.
"Locker"	(b) "Locker" means the individual sections or compartments of a capacity of not to exceed 25 cubic feet in the locker room of a frozen food locker plant.
"Frozen food locker plant"	(c) "Frozen food locker plant" means an establishment in which space in such individual lockers is rented, leased or loaned to individuals, firms or corporations, for the storage of food for their own use and which is artificially cooled for the purpose of preserving such food. The term includes service locker plant, storage locker plant and branch locker plant.
"Service locker plant"	(d) "Service locker plant" means a frozen food locker plant in which patrons' foods are prepared or packaged by the operator of such plant before such foods are placed in the lockers for storage.
"Storage locker plant"	(e) "Storage locker plant" means a frozen food locker plant, the operator of which does not prepare or package the foods of patrons.
"Branch locker plant"	(f) "Branch locker plant" means a frozen food locker plant in any location or establishment artificially cooled in which space in individual lockers are rented, leased or loaned to individuals, firms or corporations for the storage of food for their own use after preparation for storage in a central or parent plant.
"Frozen"	(g) "Frozen" means food frozen in a room or compartment in which the temperature is plus 5 degrees F. or lower.
"Temperature"	(h) "Temperature" means the average air temperature in refrigerated rooms.
"Department"	(i) "Department" means the State Department of Public Health.
"Operator"	(j) "Operator" means any person, firm or corporation operating or maintaining a frozen food locker plant. (Added by Stats. 1951, Ch. 1594.)

NOTE: Stats. 1951, Ch. 1594 also contained the following provisions:

SEC. 2. If any clause, sentence, paragraph, section or part of this act shall for any reason be adjudged or decreed to be invalid by any court of competent jurisdiction, such judgment or decree shall not affect, impair, nor invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof, directly involved in the controversy in which said judgment or decree shall have been rendered.

SEC. 3. The sum of eighteen thousand two hundred sixty dollars (\$18,260) is hereby appropriated out of the General Fund in the State Treasury in augmentation of Item 231 of the Budget Act of 1951 to be expended by the Department of Public Health during the 1951-52 Fiscal Year in carrying out the provisions of this act.

License	28701. No person hereafter shall engage within this State in the business of operating any frozen food locker plant without having applied for or obtained from the director of the
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department a license for each such place of business. Applications for such license shall be made in writing to the director of the department, on such forms and with such pertinent information as he may deem necessary. Such licenses shall be granted promptly as a matter of right unless conditions exist which are ground for denial of a license, as hereinafter set forth.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28702. The annual license fee for a frozen food locker plant shall be ten dollars (\$10) for plants with 200 lockers or less; twenty-five dollars (\$25) for plants with 201 to 500 lockers; thirty-five dollars (\$35) for plants with 501 to 750 lockers; forty dollars (\$40) for plants with 751 to 1,000 lockers; and fifty dollars (\$50) for plants with 1,001 or more lockers. Such fee shall be paid into the General Fund. Same: Fees

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28703. Upon receipt of the application for a license accompanied by the required fee, the department shall promptly inspect the plant to be licensed and shall issue such license; provided, such plant, its equipment, facilities and its surrounding premises and its operations comply with the provisions of this chapter and rules and regulations pertaining to this chapter. The department shall inspect all frozen food locker plants licensed under this chapter, whenever the department considers such inspection necessary. The department and its representatives shall have access to such plants at all reasonable times for the purpose of making inspections. Same:  
Inspection

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28704. The license issued hereunder shall be in such form as the department shall prescribe and shall be under the seal of the department and shall set forth the name of the licensee, the location for which the license is issued, the period of the license and such other information as the department may determine. Licenses shall be for a term of one calendar year and shall be renewed annually. The original license or a certified copy thereof shall be conspicuously displayed by the licensee in the locker plant for which the license is issued. Same:  
Contents

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28705. The floors, walls and ceilings of frozen food locker plants shall be of such construction and finish that they can be conveniently maintained in a clean and sanitary condition. The lockers in any plant shall be so constructed as to protect the contents from contamination, deterioration or injury. Lockers with perforated bottoms shall be provided with a suitable unperforated liner or tray. Floors,  
walls,  
etc.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

## Gas mask

28706. Any frozen food locker plant using a toxic gas refrigerant shall have at least one gas mask of a type approved by the department and shall keep the same where it will be readily accessible.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

## Sanitation

28707. All rooms of a frozen food locker plant shall at all times be maintained in a clean and sanitary condition. All equipment and utensils shall be cleaned when put into use and shall be thoroughly cleaned after each day's use and shall be so stored or protected as not to become contaminated. Lockers shall be thoroughly cleaned before they are leased or put into the possession of any patron. The premises and surroundings of such plants shall be maintained in a clean and sanitary condition. The food stored shall be protected from filth, flies, dust, dirt, insects, vermin and any other contamination and from any unclean or filthy practice in the handling thereof or caring therefor. No food shall be stored in such condition or in such manner as to cause injury to or deterioration of articles of food in adjacent lockers.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

Water  
and toilet  
facilities

28708. Frozen food locker plants shall have an ample water supply readily available and the water that comes in contact with any food product or the equipment shall be uncontaminated. Such plants shall be provided with adequate toilet facilities so located as to be readily accessible to employees and equipped with adequate washing fixtures or have such fixtures or facilities convenient thereto and shall be supplied with running water, single soap and single towel service. The doors of all toilet rooms shall be full length and self-closing and no toilet room shall open directly into any room in which foods are prepared, processed, chilled, frozen or stored. Toilet facilities and rooms shall be kept in a clean and sanitary condition.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

Rules and  
regulations

28709. The director shall publish and declare such reasonable rules and regulations as are consistent with the enforcement of the provisions of this chapter providing for adequate cleanliness and sanitation to protect public health.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

Refrigera-  
tion system

28710. The refrigeration system for a frozen food locker plant shall be equipped with reliable controls for the maintenance of uniform temperatures as required in the various refrigerated rooms and shall be of adequate capacity to provide under extreme conditions of outside temperature and activity of the plant, the following temperatures in the several rooms, respectively:

(a) In pre-cool, chill, or aging rooms, temperatures shall be commensurate with good commercial practice.



(b) In locker rooms, temperature shall not exceed plus five (5) degrees Fahrenheit, with customary commercial variations.

The foregoing temperatures shall not be construed as prohibiting such variations therefrom as may occur during short periods of time incidental to operating conditions beyond the control of the operator.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28711. Thermometers in good order shall be provided in all rooms held under low temperature at locations therein which will reflect true storage temperatures of foods in such rooms. Ther-  
mometers

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28712. No frozen food locker plant shall be licensed under this chapter unless the following facilities are provided: Facilities:  
Minimum

Sufficient chill or aging room space, freezing facilities, locker room, and facilities for cutting, preparing, wrapping and packaging meats and meat products, except that storage locker plants and branch locker plants need install only locker room facilities as specified in Section 28710.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28713. A branch plant may be operated only in conjunction with a parent locker plant which shall have processing facilities sufficiently large for the locker plant and all branch plants. Branch  
plants

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28714. Existing frozen food locker plants which do not now comply with this chapter may be licensed for one year, but such locker plants shall comply with this chapter by not later than the end of said one-year period, except that under extenuating circumstances and conditions the director may extend such one-year limitation. Existing storage locker plants which engage in service locker plant operations as defined in Section 28700 shall comply with all provisions of this chapter governing such service locker plants. Compliance

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28715. Storage of fish and game by patrons shall comply with federal and state fish and game laws. All pertinent abstracts of state and federal fish and game regulations shall be furnished by the department and shall be conspicuously displayed in the locker plant. Fish and  
game storage

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28716. Every operator of a frozen food locker plant, shall keep a record showing names and addresses of renters of lockers and such records shall be available for examination by the Di- Records

rector of the Department of Agriculture or his representatives during business hours of such plants.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

**Products stored**

28717. Only food for human consumption, or clean, sanitary by-products therefrom to be used for food, shall be stored in the frozen food locker plant.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

**Lien for charges**

28718. The person owning or operating a frozen food locker plant shall have a lien upon all property therein for all charges due from the owner of such property. Such lien may be secured and enforced in the same manner as warehousemen's liens are secured and enforced.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

**Application of provisions**

28719. Operators of frozen food locker plants operating solely as such shall not be construed to be warehousemen or public utilities, nor shall receipts or other instruments issued by such persons in the ordinary conduct of their locker business be construed to be warehouse receipts or subject to the laws applicable thereto.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

**Cold storage warehouses**

28720. Cold storage or refrigerating warehouses subject to Chapter 5 of this division shall be exempt from the provisions of this chapter.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

**License revocation: Hearing**

28721. The department, after notice and hearing, may revoke the license issued for any frozen food locker plant for failure to comply with the provisions of this chapter. The proceedings under this section shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

**Judicial review**

28722. In the event the director suspends or revokes any license, the licensee may obtain judicial review of such order by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure in the superior court of the county in which the licensed premises are located within thirty (30) days from the date notice in writing of the director's order revoking or suspending such license has been served upon said licensee.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

**Liability of owners**

28723. The liability of the owner or operator of lockers for loss of goods in lockers or in the owner's or operator's care shall be limited to negligence of the owner or operator or his employee.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28724. Upon the signed petition of at least 25 owners or operators of frozen food locker plants licensed under this chapter, the director shall within 10 days after receipt of said petition, cause to be held at such places and at such times as he may provide, a public hearing for the purpose of gathering facts and data for the revision, correction or amendment of any rule or regulation issued pertaining to this chapter.

Correction,  
etc., of  
rules and  
regulations

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28725. This act shall be known as the "Frozen Food Locker Plant Act of 1951."

Short title

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

## DIVISION 22. DANGEROUS DRUGS

(Division 22 added by Stats. 1945, Ch. 1193 and Ch. 1196 which are identical)

### CHAPTER 1. DEFINITIONS

(Chapter 1 added by Stats. 1945, Ch. 1193 and Ch. 1196 which are identical)

29000. Definitions of terms in this division apply to this division only.

Application  
of definitions

(Identical sections added by Stats. 1945, Ch. 1193 and Ch. 1196.)

29001. "Dangerous drug" means any drug unsafe for self-medication, except preparations of drugs defined in subdivisions (e), (f), (h), and (i) hereof, designed for the purpose of feeding or treating animals (other than man) or poultry, and so labeled, and includes the following:

"Dangerous  
drug"

(a) Any hypnotic drug. "Hypnotic drug" includes acetylmuric derivatives, barbituric acid derivatives, chloral, paraldehyde, sulfemethane derivatives, or any compounds or mixtures or preparations that may be used for producing hypnotic effects.

(b) Aminopyrine, or compounds or mixtures thereof.

(c) Amphetamine, desoxyephedrine, or compounds or mixtures thereof except preparations for use in the nose and unfit for internal use.

(d) Cinchophen, neocinchophen, or compounds or mixtures thereof.

(e) Diethylstilbestrol, or compounds or mixtures thereof.

(f) Ergot, cotton root, or their contained or derived active compounds or mixtures thereof.

(g) Oils of croton, rue, savin or tansy or their contained or derived compounds or mixtures thereof.

(h) Sulfanilamide or substituted sulfanilamides, or compounds or mixtures thereof, except preparations for topical application only containing not more than five percent (5%) strength.

(i) Thyroid and its contained or derived active compounds or mixtures thereof.



(j) Phenylhydantoin derivatives.

(k) Hypnotic drugs when combined and compounded with nonhypnotic drugs.

(Identical sections added by Stats. 1945, Ch. 1193, and Ch. 1196; amended by Stats. 1949, Ch. 993, and by Stats. 1951, Ch. 1358.)

**"Person"** 29002. "Person" means and includes any person, partnership, firm or corporation, acting either as principal or agent. (Identical sections added by Stats. 1945, Ch. 1193 and Ch. 1196.)

**"Furnish"** 29003. "Furnish" means to supply by any means, by sale or otherwise. (Identical sections added by Stats. 1945, Ch. 1193 and Ch. 1196.)

**"Administer"** 29003.5. "Administer," as used in this division, means the furnishing by a physician and surgeon, dentist or chiropodist to his patient of such amount of drugs or medicines referred to in this division as are necessary for the immediate needs of the patient.

(Added by Stats. 1951, Ch. 1358.)

**"Dispense"** 29003.6. "Dispense" as used in this division shall mean the furnishing of the medicines referred to in this act upon the legal prescription from a physician, dentist, chiropodist or veterinarian or upon a legal hypnotic order form.

(Added by Stats. 1951, Ch. 1358.)

**"Prescription"** 29004. "Prescription" means an order given individually for the person for whom prescribed, directly from the prescriber to the furnisher or indirectly by means of an order signed by the prescriber and shall bear the name and address of the prescriber, his license classification, the name and address of patient, name and quantity of drug or drugs prescribed; directions for use and the date of issue.

(Identical sections added by Stats. 1945, Ch. 1193 and Ch. 1196.)

**"Physician," etc.** 29005. "Physician," "dentist," "chiropodist," "veterinarian" and "pharmacist" means persons authorized by a currently valid and unrevoked license to practice their respective professions in this State. "Physician" means and includes physician and surgeon and also osteopathic physician and surgeon.

(Identical sections added by Stats. 1945, Ch. 1193 and Ch. 1196.)

**"Manufacturer"** 29006. "Manufacturer" means a person who derives, produces or prepares drugs. Every manufacturer shall maintain an established place of business; shall keep purchase and use, and sales record; and shall be registered with the board. (Identical sections added by Stats. 1945, Ch. 1193 and Ch. 1196.)

**"Wholesaler"** 29007. "Wholesaler" means a person who supplies drugs that he himself has not derived, produced or prepared, on sales orders for resale but not on prescriptions. Every wholesaler

shall maintain an established place of business, shall keep purchase and sales records and shall be registered with the board.

(Identical sections added by Stats. 1945, Ch. 1193 and Ch. 1196; amended by Stats. 1951, Ch. 1358.)

29008. "Pharmacy" means a pharmacy licensed under the provisions of Chapter 9 of Division 2 of the Business and Professions Code.

(Identical sections added by Stats. 1945, Ch. 1193 and Ch. 1196.)

29009. "Laboratory" means a research, teaching or testing laboratory not engaged in the sale of drugs but using hypnotic drugs for scientific or teaching purposes. Every laboratory shall maintain an established place of business; shall keep purchase records and shall be registered with the board.

(Identical sections added by Stats. 1945, Ch. 1193 and Ch. 1196.)

29010. "Authorized officers of the law" means legally empowered peace officers including inspectors of the State Board of Pharmacy and of the State Bureau of Food and Drug Inspection.

(Identical sections added by Stats. 1945, Ch. 1193 and Ch. 1196.)

29011. "Board" means the California State Board of Pharmacy.

(Identical sections added by Stats. 1945, Ch. 1193 and Ch. 1196.)

29012. Every person who furnishes any hypnotic drug to any other person shall first obtain from the board an hypnotic license for each separate office, shop, store or other place of business, which license shall expire on the thirty-first day of October and shall be annually renewed. The annual fee for such license shall be five dollars (\$5).

Every person who obtains an hypnotic license shall, within 15 days of its receipt, furnish the board with a dated inventory of all hypnotic drugs in his possession. A copy of such inventory shall be kept on file in the place of business of the licensee for a period of three years, subject to inspection by authorized officers of the law.

An hypnotic license is nontransferable. Any person who acquires a business wherein the former owner holds an hypnotic license and possesses any hypnotic drugs, shall file with the board at the time of his application for an hypnotic license an inventory of all hypnotic drugs which are to be acquired by such transfer of ownership. The provisions of this section do not apply when hypnotic drugs are combined or compounded with medicinal drugs which render such combination or compound unfit for hypnotic use.

(Added by Stats. 1949, Ch. 993; amended by Stats. 1951, Ch. 1358.)

**Forms** 29013. The board shall supply a book at cost of serially numbered triplicate hypnotic drugs purchase order forms to each person licensed under the provisions of Section 29012.

(Added by Stats. 1949, Ch. 993.)

**Procedure** 29014. Licensees shall execute hypnotic drugs purchase order forms in triplicate, showing date, name of supplier, name and quantity of hypnotics ordered and signature, license number and address of licensee. The original and duplicate orders shall be forwarded to the supplier, who shall forward the duplicate order to the Board of Pharmacy within 30 days after receipt thereof, and the triplicate of the order kept on the file of the purchaser for at least three years. Within a reasonable time after any purchaser except a wholesaler in this State gives any order to, or makes any contract or agreement for purchases from or sales by, any out-of-state person of any hypnotic drug for delivery in this State, the purchaser shall forward the original order to the out-of-state person, forward a duplicate of such order, contract or agreement for such purchase to the board, and retain a triplicate for not less than three years. The provisions of this section do not apply when hypnotic drugs are combined or compounded with medicinal drugs which render such combination or compound unfit for hypnotic use.

(Added by Stats. 1949, Ch. 993; amended by Stats. 1951, Ch. 1358.)

**Hospitals** 29015. In order to provide a supply of hypnotic drugs, as may be needed in any licensed or county hospital which does not employ a pharmacist, the hospital may purchase such drugs on hypnotic drugs purchase order forms in the name of the hospital. The supply is to be made available to a registered nurse, for administration, on the order or direction of a physician, to patients registered in the hospital, or to emergency cases under treatment in the hospital.

**Records** A record shall be kept of the administration of hypnotic drugs, including the amount given, the type, the date given, and the name and address of the person to whom administered.

(Added by Stats. 1951, Ch. 1201.)

**Exemptions** 29015.1. This division does not apply to or interfere with a physician, dentist, chiropodist or veterinarian who administers hypnotic drugs to his own patients. Such hypnotic drugs shall be administered only by the physician, dentist, chiropodist or veterinarian.

(Added by Stats. 1951, Ch. 1358.)

## CHAPTER 2. OFFENSES

(Chapter 2 added by Stats. 1945, Ch. 1193 and Ch. 1196 which are identical)

**Prescription required** 29020. No person shall furnish any dangerous drug, other than any hypnotic drug, except upon the prescription of a physician, dentist, chiropodist or veterinarian.

**Exemptions** The provisions of this section do not apply to the furnishing of any dangerous drug, other than any hypnotic drug, by a



manufacturer or wholesaler or pharmacy to each other or to a physician, dentist, chiroprapist or veterinarian or to a laboratory under sales and purchase records that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity.

No person shall dispense any hypnotic drug except upon the prescription of a physician, dentist, chiroprapist or veterinarian, or upon the receipt of a properly executed official hypnotic drug purchase order form.

A record of the hypnotic drug administered by any person exempt under Section 29015 shall be kept stating the date, name and address of the patient, name and amount of the drug administered. The provisions of this section with respect to the keeping of records do not apply when hypnotic drugs are combined or compounded with medicinal drugs which render such combination or compound unfit for hypnotic use.

(Identical sections added by Stats. 1945, Ch. 1193 and Ch. 1196; amended by Stats. 1949, Ch. 993 and by Stats. 1951, Ch. 1358.)

29021. No person shall dispense any dangerous drug upon prescription except in a container correctly labeled with the date, the name and address and prescription number of the furnisher, the names of the prescriber and of the person for whom prescribed, and the directions for use given by the prescriber.

(Identical sections added by Stats. 1945, Ch. 1193 and Ch. 1196; amended by Stats. 1951, Ch. 1358.)

29022. No person shall refill any prescription for any hypnotic drug. No prescription for any dangerous drug other than a hypnotic drug may be refilled except upon authorization of the prescriber, except that a prescription for diphenylhydantoin, thyroid or the contained or derived active compounds or mixtures thereof, may be refilled for the person for whom prescribed, but only in the amounts specified in the prescription.

(Identical sections added by Stats. 1945, Ch. 1193 and Ch. 1196; amended by Stats. 1947, Ch. 648, and by Stats. 1949, Ch. 993.)

29023. No person shall have in possession any hypnotic drug or any preparation included in subdivision (c) of Section 29001 except that furnished to such person upon the prescription of a physician, dentist, chiroprapist, or veterinarian. The provisions of this section do not apply to the possession of any hypnotic drug by a manufacturer, or wholesaler or a pharmacy or physician or chiroprapist or dentist or veterinarian or laboratory when in stock in containers correctly labeled with the name and address of the supplier or producer and which have been procured under the hypnotic license issued to them: nor do the provisions of this section apply to the possession of any drug defined in subdivision (c) of Section 29001 by a manufacturer or wholesaler or a pharmacy or physician or chiroprapist or dentist or veterinarian or laboratory when in stock in containers

Prescription  
or purchase  
order form

Records

Container  
labels

Refilling  
prescriptions

Possession  
of drugs

Exemptions

correctly labeled with the name and address of the supplier or producer.

(Identical sections added by Stats. 1945, Ch. 1193 and Ch. 1196; amended by Stats. 1949, Ch. 993.)

**Inspection  
of stock**

29024. All stock of any dangerous drug of a manufacturer or wholesaler or pharmacy or physician or dentist or chiropracist or veterinarian or laboratory shall be at all times during business hours open to inspection by authorized officers of the law.

(Identical sections added by Stats. 1945, Ch. 1193 and Ch. 1196.)

**Records**

29025. All records of manufacture and of sale or disposition of dangerous drugs shall be at all times, during business hours, open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making.

(Identical sections added by Stats. 1945, Ch. 1193 and Ch. 1196.)

**Penalties**

29026. Every person who violates any provision of this division, with respect to any hypnotic drug is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. Upon a conviction involving a violation respecting hypnotics, the board which granted a professional license to any such defaulter may, institute and maintain proceedings for the revocation or suspension of such license. The proceedings shall be conducted in accordance with the Administrative Procedure Act, Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and such board shall have all of the powers granted therein.

**Proceedings**

(Identical sections added by Stats. 1945, Ch. 1193 and Ch. 1196; amended by Stats. 1949, Ch. 993 and by Stats. 1951, Ch. 1368.)

**Minors**

29027. Every person who violates any provision of this chapter by use of a minor as an agent or by unlawfully furnishing any hypnotic or dangerous drug to a minor shall be punished as for contributing to the delinquency of such minor.

(Identical sections added by Stats. 1945, Ch. 1193 and Ch. 1196.)

**Penalties**

29028. Every person who violates any provision of this chapter with respect to any dangerous drug other than a hypnotic drug is guilty of a misdemeanor.

(Identical sections added by Stats. 1945, Ch. 1193 and Ch. 1196.)

**Disposition  
of fines**

29029. All fines collected for violations of the provisions of this chapter shall be paid one-half into the State treasury to the credit of the Contingent Fund of the Board of Pharmacy and one-half to the treasurer of the jurisdiction in which the misdemeanor is prosecuted, to be deposited in the same fund

as fines for other misdemeanors occurring in that jurisdiction are deposited.

(Identical sections added by Stats. 1945, Ch. 1193 and Ch. 1196.)

29030. Every person who forges or increases the quantity of dangerous drugs in any prescription or who issues a prescription bearing a forged or fictitious signature for any dangerous drug as defined herein, or who obtains any dangerous drug by any forged, fictitious, or altered prescription, or who has in possession any dangerous drug secured by such forged, fictitious, or altered prescription, shall for the first offense be punished by a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500), and for each subsequent offense shall be imprisoned in the county jail for not less than six months nor more than one year, or in the state prison for not more than six years.

Forged, etc.,  
prescription

Penalty

(Added by Stats. 1947, Ch. 648.)

29031. A conviction of the violation of any of the provisions of this division shall constitute grounds for the suspension or revocation of any license issued to such person under any of the provisions of the Business and Professions Code of the State of California or under the provisions of this division of the Health and Safety Code. The proceedings for suspension or revocation shall be conducted in accordance with the Administrative Procedure Act, Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

Suspension,  
etc., of  
license

Proceedings

(Added by Stats. 1947, Ch. 648; amended by Stats. 1949, Ch. 993.)

### CHAPTER 3. ADMINISTRATION

(Chapter 3 added by Stats. 1945, Ch. 1193 and Ch. 1196 which are identical)

29040. The California State Board of Pharmacy shall administer and enforce this division.

State Board  
of Pharmacy

(Identical sections added by Stats. 1945, Ch. 1193 and Ch. 1196.)

29041. The board, if after open hearing following due notice to persons who have filed written requests for such notice to the board it shall find any drug to be dangerous to the public health or safety, may make other rules, not inconsistent with this division, limiting or restricting the furnishing of such drug. Any violation of any such rule shall be punished in the same manner as is respectively provided in Sections 29026, 29027 and 29028.

Rules

(Identical sections added by Stats. 1945, Ch. 1193 and Ch. 1196.)

29042. Notice of the adoption of any further rules by the board shall be given to interested parties and no person shall be subject to any prosecution for violating any such rules until

Notice of  
adoption  
of rules



the board has given due public notice of the adoption of such rules.

(Identical sections added by Stats. 1945, Ch. 1193 and Ch. 1196.)

Copies of  
laws, etc.

29043. The board shall upon request furnish any person with a copy of the laws or regulations relating to dangerous drugs, the furnishing or possession of which is restricted by this division or by further rules of the board.

(Identical sections added by Stats. 1945, Ch. 1193 and Ch. 1196.)

## DIVISION 23. HOSPITAL DISTRICTS

(Division 23 added by Stats. 1945, Ch. 932)

NOTE—Stats. 1947, Ch. 18, which amended, repealed and added various sections of this division, also contained this section:

SEC. 16. (a) All local hospital districts heretofore organized and functioning under, or under color of The Local Hospital District Law, are hereby declared to have been legally organized and to be legally functioning as such districts. Every such district shall have all the rights, powers and privileges and be subject to all the duties and obligations of such a district regularly formed pursuant to law.

(b) The boundaries of every local hospital district as heretofore established, defined or recorded are hereby confirmed, validated and declared legally established.

(c) All acts and proceedings heretofore taken by any local hospital district under any law, or under color of any law, for the issuance or sale of bonds of such district for any public purpose are hereby confirmed, validated and declared legally effective. This shall include all acts and proceedings heretofore done or taken in connection with any election upon the question of the issuance, sale or exchange of such bonds. All such bonds heretofore issued, or heretofore authorized to be issued, when hereafter issued in substantially the form contemplated in such authorization shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the district.

(d) This section shall be limited to the correction of defects, irregularities and ministerial errors in complying with statutory requirements which the Legislature originally could have omitted from the law under which such acts or proceedings were taken.

(e) This section shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

## CHAPTER 1. FORMATION OF DISTRICT

(Chapter 1 added by Stats. 1945, Ch. 932)

"The Local  
Hospital  
District  
Law"

32000. This division shall be known and may be cited as "The Local Hospital District Law."

(Added by Stats. 1945, Ch. 932.)

Territory  
included

32001. A local hospital district may be organized, incorporated and managed as provided in this division and may exercise the powers herein granted or necessarily implied. Such a district may include incorporated or unincorporated territory, or both, or territory in any one or more counties. The territory comprising this district need not be contiguous but the territory of a municipal corporation shall not be divided.

(Added by Stats. 1945 Ch. 932; amended by Stats. 1947 Ch. 430; and by Stats. 1949, Ch. 1075.)

32002. The manner of formation of local hospital districts, the conducting of elections, the annexation and exclusion of territory and the consolidation and dissolution of such districts unless otherwise provided herein shall be as in the manner provided by "An act relating to governmental units known as districts, and providing a procedure for the organization, operation, government, consolidation and dissolution of such districts," approved June 12, 1933. The provisions of Section 4 of said act and all of the provisions of Divisions 1, 2, 3, and 4 thereof are hereby incorporated in this division by reference and shall have the same effect and force as if fully set forth herein.

Procedure  
for forma-  
tion, etc.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1949, Ch. 1209.)

32002.1. Not less than sixty days prior to the time of any district election, the governing body of the district shall, by resolution entered on its minutes:

Resolution:

(a) State the time of the election, the hours during which the polls will be open, and the purpose for which the election is held.

Time of  
election, etc.

(b) Prescribe the manner of voting and the form of ballot to be used.

Manner of  
voting, etc.

(Added by Stats. 1949, Ch. 1209.)

32002.2. Not less than 30 days prior to the time of any hospital district election the governing body of the district shall, by resolution entered into its minutes:

Resolution

(a) Designate a polling place for each precinct and appoint for each precinct an election board consisting of at least one inspector, one judge and two clerks, selected from the electors of the district.

Polling  
place

(b) Mail notice of appointment to each election officer, and notice of polling place and sample ballot to each qualified elector of the district.

Notice  
to electors

(Added by Stats. 1949, Ch. 1209; amended by Stats. 1951, Ch. 756.)

32002.3. Notice of all district elections shall be given by publishing the notice calling the election not less than once a week for two successive weeks before the election in a newspaper published in the district, if there is one, but, if none, then in a newspaper published in the county. Said notice need only specify the time and place of the election, the hours during which the polls will be open, and the officers to be elected and the propositions to be voted upon.

Publication  
of notice

(Added by Stats. 1949, Ch. 1209.)

32003. Whenever the formation of a local hospital district is desired, a petition may be presented at a regular meeting of the supervising authority of the county in which the land, or a greater portion of the land, in the proposed district is situated, said petition to be signed by the registered voters residing within the boundaries of the proposed district, equal in number to at least 15 percent of the number of votes cast in said proposed district for the office of Governor at the last preceding

Petition

election at which a Governor was elected. The number of written protests required to terminate the proceedings shall be a majority of the registered voters residing in the proposed district.

Declaration  
of organ-  
ization

If a majority of all the votes cast in the proposed district are in favor of organization, the supervising authority by resolution entered on its minutes shall declare the district duly organized under this act, shall give the name of the district as theretofore designated and shall describe the boundaries of such district. The county whose supervising authority declares the district organized shall be designated the "organizing county."

(Added by Stats. 1945, Ch. 932; amended by Stats. 1947, Ch. 18.)

Annexation  
of territory

32004. A petition for annexation of land to a local hospital district shall be signed by registered voters residing within the territory proposed for annexation, equal in number to at least 15 percent of the number of votes cast in that territory for the Office of Governor at the last preceding election at which a Governor was elected. If upon the hearing held upon the petition, the governing body deems it for the best interest of the district that said territory, or part thereof, be annexed, it shall call and hold an election within the territory or area proposed to be annexed, as the boundaries thereof are described in a resolution of the board of directors of such district adopted at the termination of such hearing, to decide whether or not the proposed annexation shall take place. If a majority of the votes cast at such election, in said territory, be in favor of annexation, the district governing body may by resolution declare the territory annexed and shall describe the altered boundaries of the district; or such district governing body may, by resolution, order and call an election within the district to submit to the electors thereof the question of the annexation of the territory proposed to be annexed to such district.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1949, Ch. 1322.)

Alternative  
procedure

32004.1. As an alternative procedure to that prescribed in Section 32004, territory may be annexed without an election in the territory proposed to be annexed when the required petition has been signed by owners of the real property in the territory proposed to be annexed representing at least 60 percent of the total assessed valuation of the territory as shown by the last equalized county assessment roll and at least 60 percent of the number of parcels of land within the territory. The petition shall in addition to the matters required by Section 32004 show the amount of real property owned by each of the petitioners and its assessed valuation as shown by the last equalized county assessment roll.

(Added by Stats. 1949, Ch. 1209.)

Notice of  
hearing

32004.3. Upon filing of the petition for annexation, the governing body shall fix a time and place for the hearing thereof and shall cause a notice to be published, containing

Content

(a) The date of filing of the petition.



- (b) The number of signers to the petition.
- (c) A description of the location or boundaries of land described in the petition.
- (d) The prayer of the petition.
- (e) The time and place fixed for the hearing thereof.
- (f) Statements to the effect that all persons interested in or affected by such change in the boundaries of the district may appear and show cause why such change should not be made.

The notice shall be published once each week for two successive weeks prior to the date set for the hearing in a newspaper of general circulation published in the district; and, if there is no such newspaper in the district, then, in such a newspaper in the county. Publication

(Added by Stats. 1949, Ch. 1209.)

32004.4. If upon the hearing of the petition the governing body of the district determines that the best interest of the district will be served by annexing such territory, or any part thereof, and if no protest as hereinafter provided is made against such annexation, the governing body may annex the territory described in the petition, or any portion thereof without an election in the district. If protests to the annexation are made to the governing body by registered voters residing within the district equal in number to at least 5 percent of the number of votes cast in the district for the office of Governor at the last preceding election at which a Governor was elected or if protests to the annexation are made by a similar percentage of the number of votes cast in the area proposed to be annexed for the office of Governor at the last preceding election at which a Governor was elected, or in the event the governing board determines that the best interests of the district will be served by holding an election, in either the district or in the territory proposed to be annexed or in both, such election shall be called and held within the district or in the territory proposed to be annexed or in both, to decide whether or not such proposed annexation to the district shall take place. If such an election is required, the annexation may be completed only if a majority of the votes cast within the area in which the election is held are in favor of annexation. Annexation of territory  
Protests  
Election

(Added by Stats. 1949, Ch. 1209.)

32004.5. Upon the final hearing of the petition, the governing board of the district shall fix the boundaries of the territory proposed to be annexed and the time, not less than sixty days from date of the order, for holding any election that may be required. Fixing of boundaries

(Added by Stats. 1949, Ch. 1209.)

32004.6. If a majority of votes cast within the area in which the election is held, and in both the district and the territory proposed to be annexed if an election is held in both areas, are in favor of annexation, or, if no election is required and the governing board determines that such annexation is for the best interests of the district, it shall, by resolution entered in its minutes, declare the territory annexed and shall describe the Resolution

Certified  
copy

altered boundaries of the district. A certified copy thereof shall be filed in the office of the county recorder, the county assessor, county engineer, the State Board of Equalization and Secretary of State.

(Added by Stats. 1949, Ch. 1209.)

## CHAPTER 2. BOARD OF DIRECTORS (Chapter 2 added by Stats. 1945, Ch. 932)

### Article 1. Election and Organization (Article 1 added by Stats. 1945, Ch. 932)

Board of  
hospital  
directors

32100. The elective officers of a local hospital district shall be a board of hospital directors consisting of five members, each of whom shall be a registered voter residing in the district and whose term shall be four years, with the exception of the first board. The first board of directors shall be appointed, upon the formation of the district, by the board of supervisors of the county in which the land or a greater part of the land in the district is situated. Upon their appointment, the first board so appointed shall so classify themselves by lot that two members thereof shall go out of office the first Tuesday in January next following the election or appointment if no election is held and qualification of their successors as herein provided, and three members will go out of office two years thereafter. Any vacancy upon said board shall be filled by appointment by the remaining members of said board of directors. Any person appointed to fill such vacancy shall hold office only until a successor, to serve for the remainder of such unexpired term, has been elected at the next regular hospital district election and has qualified.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1947, Ch. 18, and by Stats. 1949, Ch. 1322.)

Petition

32100.1. A petition for election of directors by zones may be signed and filed with the board of directors by registered voters residing within a local hospital district, equal in number to at least 15 percent of the number of votes cast in that district for the Office of Governor at the last preceding election at which a Governor was elected. Upon receipt of this petition the board of directors shall, by resolution, divide the local hospital district into five zones and number the zones consecutively from 1 to 5. In establishing these zones the board of directors shall provide for representation in accordance with population and geographic factors of the entire area of the local hospital district. The board of directors shall fix the time and place for a hearing on the proposed establishment of zones. At this hearing any elector of the district may present his views and plans in relation to the proposed zoning, but the board of directors shall not be bound thereby and their decision, in the resolution adopted, shall be final.

Division  
into zones

Hearing

After the hearing and final determination by the board of directors the board shall then prepare a measure to be printed

on the ballots used at the next general hospital district election, or at a special election to be held for that purpose. The measure shall be printed on the ballots substantially as follows: Printing of  
measure

“Shall members of the board of directors be elected by zones, as described in the resolution of the board of directors dated \_\_\_\_\_?”, with the words “Yes” and “No” so printed in connection therewith that the voters may express their choice.

The returns of such election shall be canvassed and declared as at other general hospital district elections, and if it appears that a majority of the votes cast in such election are in favor of said measure the board of directors shall by resolution declare the zones established and shall describe the boundaries of the zones. At the expiration of the terms of office of the members of the board of directors then in office, and thereafter, such members of the board of directors shall be elected by zones. If, at the expiration of said terms of office, three members of the board of directors are to be elected, those three members shall be elected from the zones designated by odd numbers; if two members are to be elected, those two members shall be elected from zones designated by even numbers. Canvass  
  
Election of  
members

One member of the board of directors shall be elected by the electors of each of the zones. No person shall be eligible to hold the office of member of the board of directors unless he shall have resided in the zone from which he is elected for 90 days next preceding the date of the election.

The formation of a local hospital district may provide for the election of members of the board of directors by zones as above provided for by substantially including in the petition for formation the provisions hereinabove required to be included in such measure, in which event it shall not be necessary to hold the election above provided for, and the members of the board of directors shall be elected from the zones as described in said petition, except that the first board of directors shall be appointed, upon the formation of the district, by the board of supervisors of the county in which the land or a greater part of the land in the district is situated. One member shall be appointed from each zone.

The terms of the members of the first board of directors appointed under the provisions of this section shall be determined as follows: Terms of  
members

The members appointed from the zones designated by odd numbers in the petition shall hold office for four years and the members appointed from the zones designated by even numbers in the petition shall hold office for two years. Thereafter, the term of office for all members shall be four years.

Any vacancy upon the board shall be filled by appointment by the board of supervisors of the county, from the zone left unrepresented on the board of directors. Any person appointed to fill such vacancy shall hold office only until a successor, to Vacancies



serve for the remainder of such unexpired term, has been elected at the next regular hospital district election and has qualified.

(Added by Stats. 1949, Ch. 1322.)

Notice

32100.3. Not less than ninety days prior to the day fixed for the hospital district general election, the secretary shall publish at least once, in a newspaper of general circulation published in the district, if there is one, and if not, in a newspaper of general circulation in the county, a notice stating the date of the election and the number of offices to be filled at said election, together with a statement that nominations for said offices may be filed with him on forms to be supplied by the district not later than sixty-five days prior to the election.

(Added by Stats. 1949, Ch. 1024.)

Election

32100.4. If, on the sixty-fifth day prior to the day fixed for the hospital district general election, only one person has been nominated for each office of member of the board of directors to be filled at that election, or no one has been nominated for such office, and if a petition signed by 5 percent of the qualified electors in the district, requesting that the hospital district general election in the district be held, has not been presented to the board of directors of the district, said board of directors shall by resolution entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors of the county in which the district, or a greater portion thereof, is situated at a regular or special meeting held prior to the day fixed for the election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons, if any, who have been nominated. If no person has been nominated for any office, the board of supervisors shall appoint any qualified person to the office prior to the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a hospital district general election.

Notices

In such instances notices shall be posted in three public places in the district at least ten days before the date fixed for the election, which notices shall state that no election is to be held and that the board of supervisors will appoint, or has appointed, a member or members of the board of directors to serve for the ensuing term.

(Added by Stats. 1949, Ch. 1024.)

Election:  
When held

32100.5. An election which shall be known as the hospital district general election, shall be held in each local hospital district on the third Tuesday in November or on the first Tuesday after the first Monday in November in each even-numbered year, as the board of directors shall determine, at which a successor shall be chosen to each officer whose term shall expire on the first Tuesday of January following such election, except that upon consent granted prior to August 1st of the even-numbered year by the board of supervisors of the county in which the district or the greater portion thereof is located, said election may be consolidated with the next following November

general election, unless the board of directors has dispensed with said election as provided in Section 32100.7 of this code.

The person receiving the highest number of votes for each office to be filled at such election shall be elected thereto. The term of office of each elective officer of the district elected, shall be four years, or until his successor is elected and has qualified.

(Added by Stats. 1949, Ch. 1209.)

32100.8. In all other respects each hospital district general election shall be conducted in the manner provided by Division 2 of the act cited in Section 32002 of this code.

(Added by Stats. 1949, Ch. 1209.)

32101. All registered voters residing within the territory comprising a district organized under this division are qualified electors.

(Added by Stats. 1945, Ch. 932.)

32102. The board of hospital directors shall meet on the first Monday subsequent to 30 days after the completion of organization of the district and shall organize by the election of one of their members as president and one as secretary.

(Added by Stats. 1945, Ch. 932.)

32103. The members of the board of directors shall serve without compensation except that each shall be allowed his actual necessary traveling and incidental expenses incurred in the performance of official business of the district as approved by the board.

(Added by Stats. 1945, Ch. 932.)

32104. The board of directors shall provide for the time and place of holding its regular meetings and the manner of calling the same, and shall establish rules for its proceedings and may adopt such rules and regulations not inconsistent with law as may be necessary for the exercise of the powers conferred and the performance of the duties imposed upon the board.

(Added by Stats. 1945, Ch. 932.)

32105. Special meetings may be called by three directors and notice of the holding thereof shall be mailed to each member at least 48 hours before the meeting.

(Added by Stats. 1945, Ch. 932.)

32106. All of the sessions of the board of directors, whether regular or special, shall be open to the public, and a majority of the members of the board shall constitute a quorum for the transaction of business.

(Added by Stats. 1945, Ch. 932.)

32108. Any director or officer of the district who is in any manner interested in any contract awarded or to be awarded by the board, or in the profits to be derived from the contract, is guilty of a misdemeanor. Conviction shall also work a forfeiture of his office.

(Added by Stats. 1951, Ch. 536.)

## Article 2. Powers

(Article 2 added by Stats. 1945, Ch. 932)

Powers  
of district

32121. Each local hospital district shall have and exercise the following powers:

(a) To have and use a corporate seal and alter it at pleasure;  
(b) To sue and be sued in all courts and places and in all actions and proceedings whatever;

(c) To purchase, receive, have, take, hold, lease, use and enjoy property of every kind and description within the limits of the district, and to control, dispose of, convey and encumber the same and create a leasehold interest in same for the benefit of the district;

(d) To exercise the right of eminent domain for the purpose of acquiring real or personal property of every kind necessary to the exercise of any of the powers of the district;

(e) To administer any trust declared or created for hospitals of the district, and received by gift, devise, or bequest and hold in trust or otherwise, property situated in this State or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such hospitals.

(f) To employ legal counsel to advise the board of directors in all matters pertaining to the business of the district, and to perform such functions in respect to the legal affairs of the district as the board may direct; and to employ such other officers and employees, including architects and consultants, as the board of directors deems necessary to carry on properly the business of the district;

(g) To prescribe the duties and powers of the manager, secretary and other officers and employees of any such hospitals; to determine the number of and appoint all such officers and employees, and to fix their compensation, which said officers and employees shall hold their offices or positions at the pleasure of said boards.

(h) To do any and all things which an individual might do which is necessary for and to the advantage of a hospital and a nurses' training school.

(i) To establish, maintain and operate one or more hospitals, situated within the territorial limits of the district.

(j) To do any and all other acts and things necessary to carry out the provisions of this division.

(k) To acquire, maintain, and operate ambulances or ambulance services within and without the district.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1949, Ch. 964 and by Stats. 1951, Ch. 536.)

Instruments  
and equip-  
ment

32122. The board of directors may purchase all necessary surgical instruments and hospital equipment and equipment for nurses' homes and all other property necessary for equipping a hospital and nurses' home.

(Added by Stats. 1945, Ch. 932.)



32123. The board of directors may purchase such real property, and erect or rent and equip such buildings or building, room or rooms as may be necessary for the hospital. Real property

(Added by Stats. 1945, Ch. 932.)

32124. The board of directors may establish a nurses' training school in connection with the hospital, prescribe a course of study for such training and after the completion of the course, provide for the issuance of diplomas to graduate nurses. Nurses' training school

(Added by Stats. 1945, Ch. 932.)

32125. The board of directors shall be responsible for the operation of all hospitals owned or leased by the district, according to the best interests of the public health and shall make and enforce all rules, regulations and bylaws necessary for the administration, government, protection and maintenance of hospitals under their management and all property belonging thereto and may prescribe the terms upon which patients may be admitted thereto. In fixing the rates the board shall, insofar as possible establish such rates as will permit the hospital to be operated upon a self-supporting basis. The board may establish different rates for residents of the district than for persons who do not reside within the district. Minimum standards of operation as prescribed in this article shall be established and enforced by the board of directors. Administration, etc.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1949, Ch. 919.)

32126. The board of directors may provide for the operation and maintenance through tenants of the whole or any part of any hospital acquired or constructed by it pursuant to this division, and for such purpose may enter into any lease agreement which it believes will best serve the interest of the district; provided, that any such lease entered into for the operation of any hospital shall require the tenant or lessee to conform to and abide by each and all of the provisions of Section 32128 of this article. No such lease shall run for a term in excess of ten (10) years. Operation through lease agreements

(Added by Stats. 1945, Ch. 932; amended by Stats. 1949, Ch. 919.)

32127. The hospital district shall establish its own treasury and shall appoint a treasurer charged with the safekeeping and disbursal of the funds in the treasury of the district. The board of directors shall fix the amount of the bond to be given by such treasurer and shall provide for the payment of the premium therefor out of the maintenance and operation fund. Treasurer: Appointment, bond, etc.

All moneys derived from that portion, if any, of the annual tax or assessment levied for capital outlay purposes shall be placed in the capital outlay fund. Any moneys derived from a special tax or assessment levied under Article 3 of Chapter 3 hereof shall be placed in a special assessment fund and shall be used exclusively for the purposes for which such special tax or assessment was voted. Capital outlay fund

Maintenance  
and operation  
fund

All moneys derived from the regular annual tax or assessment provided in Article 1, Chapter 3 hereof, except any part thereof levied for capital outlay purposes, shall be placed in the maintenance and operation fund. All receipts and revenues of any kind from the operation of the hospital shall be paid daily into the treasury of said district and placed in the maintenance and operation fund. Moneys in the maintenance and operation fund may be expended for any of the purposes of the district. Whenever it appears that the sum in the bond interest and sinking fund will be insufficient to pay the interest or principal of bonds next coming due and payable therefrom, a sum sufficient to pay such principal and interest shall be transferred by the board of directors from the maintenance and operation fund to said bond interest and sinking fund.

Disburse-  
ments

Except as to principal and interest of bonds, moneys in the treasury of the district shall be paid out by the treasurer thereof only on written order signed by the president and countersigned by the secretary. The treasurer shall keep such order as his voucher and shall keep accounts of all receipts into the district treasury and all disbursements therefrom.

Bonds

Where bonds of the district are payable at the office of the district, all receipts from taxes levied to pay the principal and interest of such bonds shall be paid into the treasury of the district, and the treasurer of the district shall pay therefrom the principal and interest of such bonds.

Where bonds of the district are payable at the office of the county treasurer of the organizing county, at the option of the holder, or otherwise, all receipts from taxes levied to pay principal and interest of such bonds shall be paid into the treasury of the organizing county and shall be placed by the county treasurer in the bond interest and sinking fund of the district, and he shall pay the principal and interest of such bonds therefrom and shall keep an account of all moneys received into and paid out of said fund.

Deposits

Any moneys in the treasury of the district and any moneys of the district in the bond interest and sinking fund of the district in the treasury of the organizing county may be deposited in accordance with the provisions of the general laws of the State of California governing the deposit of public moneys of cities or counties in such bank or banks in the State of California as may be authorized to receive deposits of public funds, in the same manner and upon the same security as public moneys of cities and counties are deposited in such banks, and with like force and effect. The board of directors of the district are authorized to create a revolving fund which fund shall not exceed the sum of 10 percent of the estimated annual expenditures of the district at any one time and which shall be used for the purpose of paying the interim expenses of the operation of any hospital within the district without the necessity of a written order signed by the president and countersigned by the secretary as provided herein. The treasurer is authorized to deposit

Revolving  
fund

said fund in such bank or banks in the county as may be authorized to receive deposits of public funds in the same manner and upon the same security as public moneys of cities and counties are deposited in such banks and with like force and effect, and shall be subject to withdrawal upon the signature of the treasurer, or such other official of the district as may be authorized by the board of directors, for the use and purpose provided for herein.

(Added by Stats. 1945, Ch. 932; repealed and added by Stats. 1947, Ch. 18; amended by Stats. 1951, Ch. 889.)

32128. The rules of the hospital, established by the board of directors pursuant to this article, shall include: 1. Provision for the organization of physicians and surgeons who are permitted to practice in the hospital into a formal medical staff, with appropriate officers and bylaws and with staff appointments on an annual basis; 2. Provision that membership on the medical staff shall be restricted to physicians and surgeons competent in their respective fields, worthy in character and in professional ethics, and in this latter connection the practice of division of fees under any guise whatsoever shall be prohibited and any such division of fees shall be cause for exclusion from the staff; 3. Provision that the medical staff shall be self-governing with respect to the professional work performed in the hospital; that the medical staff shall meet at least once in each month and review and analyze at regular intervals their clinical experience; and that the medical records of the patients shall be the basis for such review and analysis; 4. Provision that accurate and complete medical records be prepared and maintained for all patients (medical records to include identification data, personal and family history, history of present illness, physical examination, special examinations, professional or working diagnoses, treatment, gross and microscopic pathological findings, progress notes, final diagnosis, condition on discharge, and such other matters as the medical staff shall determine); and, 5. Such limitations with respect to the practice of medicine and surgery in the hospital as the board of directors may find to be in the best interests of the public health and welfare; provided that no duly licensed physician and surgeon shall be excluded from staff membership solely because he be licensed by one or the other of the boards mentioned in Section 2005 of the Business and Professions Code.

Said rules of the hospital shall, insofar as consistent herewith, be in accord with and contain minimum standards not less than the rules and standards of private or voluntary hospitals operating within the district.

(Added by Stats. 1949, Ch. 919.)

32129. Local hospital districts shall not have power or authority to render or furnish any professional services as defined in Section 2007 of the Business and Professions Code, either directly or through persons employed by the district. Each hospital district shall comply with Section 2008 of the Business and Professions Code; provided, however, that the

Rules

Minimum standards

May not render professional services



board of directors of a hospital district may contract with a physician and surgeon for the rendering of professional services in the hospital, under the direction or as requested by attending physicians of patients in the hospital, on such basis as does not result in any profit or gain to the district from the professional services of such physician and surgeon.

(Added by Stats. 1947, Ch. 884.)

Power  
to incur  
indebtedness

32130. The district may borrow money and incur indebtedness in anticipation of the estimated tax revenue and other income for the current year in which the indebtedness is incurred. Such indebtedness shall not exceed 50 percent of the total amount of the estimated tax revenue and other income for the current year. The district is further authorized when funds shall be needed to meet current expenses of maintenance and operation, to borrow money on certificates of indebtedness or other evidence of indebtedness in an amount not to exceed five cents (\$.05) on each one hundred dollars (\$100) of assessed valuation of the district, said certificates of indebtedness to run for a period not to exceed five years and to bear interest not to exceed 5 percent per annum.

Certificates  
of indebted-  
ness

All such certificates of indebtedness or other evidence of indebtedness shall be issued after the adoption by a three-fifths vote of the board of directors of the district of a resolution setting forth the necessity for such borrowing and the amount of the assessed valuation of the district and the amount of funds to be borrowed thereon. All such certificates of indebtedness or other evidence of indebtedness shall be offered at public sale by the board of directors of the district after not less than 10 days advertising in a newspaper of general circulation within the district and if no newspaper of general circulation is printed within the district, then in a newspaper of general circulation within the county in which the district is located. Each such sale shall be made to the bidder offering the lowest rate of interest or whose bid represents the lowest net cost to the district; provided, however, that the rate of interest shall not exceed 5 percent per annum.

Same

Such certificates of indebtedness or other evidences of indebtedness shall be signed on behalf of the district by the presiding officer and attested by the secretary of the board of directors of the district. The board of supervisors of the county in which the district lies shall, at the time of fixing the general tax levy, sometimes called the annual assessment or regular annual assessment for such district, and in the manner for such general tax levy provided, levy and collect annually each year all sums coming due for principal and interest on such certificates of indebtedness or other evidence of indebtedness, a tax sufficient to pay the interest on such certificates of indebtedness as the same becomes due and also, to constitute a sinking fund for the payment of the principal thereof at maturity. Said tax shall be in addition to all of the taxes levied for district purposes and shall be placed in a certificate of indebtedness, interest and sinking fund of the district and, until all of the

principal of the interest and certificates of indebtedness is paid, the money in said fund shall be used for no other purpose than the payment of said certificates of indebtedness and accruing interest thereon.

(Added by Stats. 1949, Ch. 1209; amended by Stats. 1951, Ch. 889.)

32131. The board of directors may maintain membership in any local, state or national group or association organized and operated for the promotion of the public health and welfare or the advancement of the efficiency of hospital administration, and in connection therewith pay dues and fees thereto.

Board's membership in associations, etc.

(Added by Stats. 1951, Ch. 277.)

### CHAPTER 3. ASSESSMENTS

(Chapter 3 added by Stats. 1945, Ch. 932)

#### Article 1. Annual Assessments

(Article 1 added by Stats. 1945, Ch. 932)

32200. Any district formed pursuant to this division may be financed by assessment on real and personal property within the district, pursuant to this chapter.

Assessments on real and personal property

(Added by Stats. 1945, Ch. 932.)

32201. Annually, at least 15 days before the first day of the month in which county taxes are levied, the board of directors of each local hospital district shall furnish to the board of supervisors of the county in which the district or any part thereof is situated an estimate in writing of the amount of money necessary to be raised by taxation for all purposes required under the provisions of this division during the next ensuing fiscal year.

Estimates of amounts

(Added by Stats. 1945, Ch. 932.)

32202. The board of supervisors shall thereupon levy Tax upon the taxable property of the district within its own county a tax sufficient in amount to maintain the district but not to exceed the twenty-cent (\$0.20) limit provided in Section 32203 and, in addition, a tax sufficient to pay the interest on all outstanding bonds of said district as the same becomes due, and also to constitute a sinking fund for the payment of the principal thereof at maturity. If the district embraces territory lying in more than one county, the amount estimated shall be rateably apportioned among the several counties in the district in proportion to the assessed value of the property in the several counties included within said district as shown upon the last assessment rolls of the said counties, and the estimates apportioned to the several counties shall be rendered to their respective boards of supervisors and the tax shall be levied and collected by the officials of each county upon the property of the district lying therein.

Apportionment

(Added by Stats. 1945, Ch. 932; repealed and added by Stats. 1947, Ch. 18.)

Tax  
limitation

32203. The tax, exclusive of the levy for the payment of the principal and interest of bonds and any special assessment voted hereunder, shall in no case exceed the rate of twenty cents (\$0.20) on each one hundred dollars (\$100) of the assessed valuation of all taxable property within the district, but it may be in addition to all other taxes allowed by law to be levied upon such property.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1947, Ch. 18.)

Method of  
computation,  
collection,  
etc.

32204. The tax shall be computed, entered upon the tax rolls and collected in the same manner as county taxes are computed, entered and collected. Such taxes shall be a lien on the taxable property of the district and shall be paid with, and not separately from, county taxes. All moneys so collected shall be paid into the county treasury or treasuries of the county or counties in which the district lies and shall be transferred upon order of the district board to the treasury of the district and placed in the proper fund or funds of said district; provided, however, that the proceeds of any tax levied to pay principal or interest of bonds which is payable at the office of the treasurer of the organizing county at the option of the holder, or otherwise, shall be placed in the bond interest and sinking fund of the district in the treasury of the organizing county.

(Added by Stats. 1945, Ch. 932; repealed and added by Stats. 1947, Ch. 18.)

32205. (Added by Stats. 1945, Ch. 932; repealed by Stats. 1947, Ch. 18.)

## Article 2. Capital Outlays

(Article 2 added by Stats. 1945, Ch. 932)

Capital out-  
lay fund

32221. The board of directors may establish a fund for capital outlays. If such a fund is established, it shall include in the estimate required to be furnished to the board of supervisors a statement of the amount to be included in the annual assessment for this purpose. The amount to be raised shall be included in the tax limitation prescribed by Section 32203.

(Added by Stats. 1945, Ch. 932.)

Transfer of  
surplus funds

32222. At any time after the creation of a capital outlay fund, the board of directors may transfer to such fund any unincumbered surplus funds remaining on hand in the district at the end of any fiscal year.

(Added by Stats. 1945, Ch. 932.)

Discontinu-  
ance of fund

32223. Whenever a capital outlay fund is established, it shall be used only for such purposes, except the board of directors may, by a four-fifths vote of all members, if it finds that the fund is no longer necessary or that there remain in the fund moneys which are no longer required for such purpose, discontinue the fund or transfer so much thereof as is no longer



required for capital outlay purposes to the repayment of any bonds outstanding, or if there are no bonds outstanding, to any fund used for the payment of current expenses of the district.  
(Added by Stats. 1945, Ch. 932.)

**Article 3. Special Assessments**  
(Article 3 added by Stats. 1945, Ch. 932)

32240. Whenever it is desired that expenditures be made by the district for the acquisition, construction, maintenance, or alteration of work for the purpose of facilitating the carrying out of the purpose of this division in any district, the board of directors thereof may submit to the electors of the district the question of whether or not the additional expenditure shall be made out of the proceeds of a special assessment to be levied in like manner and on the same basis as the regular annual assessment made by the district. Special assessments

(Added by Stats. 1945, Ch. 932.)

32241. An election shall be held to authorize such assessment and may be called by the board of directors of the district in its discretion. Such an election shall be called upon presentation to the board of directors of a petition requesting the levy of the assessment and specifying the object and purposes for which the proceeds thereof shall be expended. Such petition must be signed by electors entitled to cast a number of votes at district elections equal to at least 15 per cent vote of the number of votes cast at the last district election. Election

(Added by Stats. 1945, Ch. 932.)

32242. The resolution of the board of directors calling an election to decide whether a special assessment shall be levied, in addition to all other matters required by this division for a resolution calling an election, shall state the amount of the proposed expenditure for which assessment is to be levied, the amount of the assessment which will be levied to raise such amount for expenditure, allowing for a delinquency of 15 per cent, and the rate of the assessment necessary to raise such amount. Contents of resolution

(Added by Stats. 1945, Ch. 932.)

32243. If two-thirds of the votes cast at the election are in favor of the special assessment, the board of directors shall cause the assessment to be levied in like manner as a regular assessment to pay the regular annual expenses of the district. Such special assessment shall be in addition to the limitation prescribed in Section 32203. Levy

(Added by Stats. 1945, Ch. 932.)

CHAPTER 4. BONDS  
(Chapter 4 added by Stats. 1945, Ch. 932)

- Issuance of bonds**      32300. Bonds may be issued by a district for the purpose of acquiring, maintaining, constructing, or altering work, when, in the opinion of the directors, a special assessment would be inadvisable, and the expenses of such operations will be in excess of an amount which can reasonably be raised by the regular annual assessment for the running expenses of the district.  
(Added by Stats. 1945, Ch. 932.)
- Election**      32301. An election shall be held to authorize the issuance of any bonds of a district. The board of directors of a district may call such election at its discretion, and it shall call such election upon presentation to it of a petition requesting the issuance of bonds, specifying the purpose to which the proceeds are to be applied, and signed by electors of the district entitled to cast votes equal in number to at least 15 per cent of the total number of votes of all the electors of the district.  
(Added by Stats. 1945, Ch. 932.)
- Contents of resolution**      32302. The resolution of the board of directors calling a bond election, in addition to all of the matters required by this division for a resolution calling an election, shall state the amount of the proposed bond issue, the rate of interest thereon, and the maximum date of maturity of bonds. If two-thirds of the votes cast at the bond election are in favor of the issuance of the bonds, the board of directors shall cause bonds to be issued.  
(Added by Stats. 1945, Ch. 932.)
- Bonds**      32303. The board of directors by resolution entered on its minutes shall prescribe the form of the bonds and of the interest coupons attached thereto, shall fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than 20 years after their date of issuance, the denomination or denominations of the bonds, the date or dates of issuance of such bonds, the number or numbers of the bonds maturing at each date of maturity and the place or places of payment of such bonds. Said bonds may be payable at the office of the district or at the office of the county treasurer of the organizing county, or at any place or places designated therein at holder's option.  
(Added by Stats. 1945, Ch. 932; repealed and added by Stats. 1947, Ch. 18.)
- Maturity**      32304. Bonds first to mature in each issue shall mature not later than five years from the date of issuance thereof; and those last to mature of each issue shall mature not later than 20 years from the date of issuance thereof.  
(Added by Stats. 1945, Ch. 932.)

32305. The rate of interest to be borne by bonds issued under the authority of this chapter shall be fixed by the board of directors. The rate shall not exceed 6 percent per annum, payable annually or semiannually. Interest rate

(Added by Stats. 1945, Ch. 932; amended by Stats. 1947, Ch. 18.)

32306. Bonds issued under the authority of this chapter shall be of a denomination not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000). Denomination

(Added by Stats. 1945, Ch. 932.)

32307. All bonds issued pursuant to this chapter shall be signed by the presiding officer and attested by the secretary of the board of directors of the district, and shall be valid as to future sale thereafter, regardless of whether at the time of sale the officer so signing is still the incumbent of such office. Signatures

(Added by Stats. 1945, Ch. 932.)

32308. No hospital district shall incur a bonded indebtedness exceeding 10 percent of the assessed value of all the taxable property in the district as shown by the last equalized county assessment roll or rolls of the county or counties in which the district lies. Any bonds of local hospital districts which shall be issued under the provisions of this chapter shall be legal investments for all trust funds and for the funds of insurance companies, banks, both commercial and savings, and trust companies, and whenever any moneys or funds may by any law now or hereafter enacted be invested in bonds of cities, cities and counties, counties or school districts within the State of California, such moneys or funds may be invested in said bonds of local hospital districts issued under this chapter, and whenever bonds of cities, cities and counties, counties or school districts within the State may by any law now or hereafter enacted be used as security for the performance of any act or the deposit of any public moneys, said bonds of local hospital districts issued under this chapter and in pursuance of its provisions may be so used. Limitation on bonded indebtedness

(Added by Stats. 1945, Ch. 932; repealed and added by Stats. 1947, Ch. 18.)

32309. The board of directors may, from time to time, sell bonds in such quantities as may be necessary and most advantageous to raise money for the purposes for which they were issued. Sale of bonds

(Added by Stats. 1945, Ch. 932; amended by Stats. 1947, Ch. 18.)

32310. Bonds shall be sold for at least par value. Before making any sales, the board of directors of the district shall, by resolution entered on its minutes, declare its intention to sell a specified amount of bonds, and the day, hour, and place Same



## Notice

of such sale. Notice of the sale shall be given by publication, once, not less than 10 days prior to the date of sale, in a newspaper of general circulation in the district and shall state that sealed proposals for the purchase of bonds will be received by the board of directors at its office until the day and hour named in the resolution.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1947, Ch. 18.)

Acceptance  
or rejection  
of bids

32311. At the time appointed, the board of directors shall open the proposals, and may sell the bonds or any portion thereof to the highest responsible bidder or bidders. Any and all bids may be rejected and no proposal shall be accepted unless accompanied by a certified check for such reasonable percentage of the amount of the bid as shall be determined by the board of directors, to apply to the purchase price of the bonds. The amount of such check shall be forfeited if, after the acceptance of the proposal the bidder refuses to accept the bond and to complete his purchase thereof on conditions stated in his bid. In case no award is made the board of directors thereafter may again advertise the bonds or any part thereof for sale.

(Added by Stats. 1945, Ch. 932.)

Sinking  
fund, tax

32312. The board or boards of supervisors of the county or counties in which the district lies shall, at the time of fixing the general tax levy, sometimes called the annual assessment or regular annual assessment, for such district, and in the manner for such general tax levy provided, levy and collect annually each year until said bonds are paid or until there shall be a sum in the treasury set apart for that purpose sufficient to meet all sums coming due for the principal and interest on such bonds, a tax sufficient to pay the interest on such bonds as the same becomes due and also, to constitute a sinking fund for the payment of the principal thereof at maturity. The sum for the sinking fund shall be in approximately equal amounts each year until maturity of the last bond; but must in any event be sufficient to provide for the payment of the principal of all of the bonds as such bonds become due. Said tax shall be in addition to all other taxes levied for district purposes and shall be placed in the bond interest and sinking fund of the district and, until all of the principal and interest of the bonds of said district is paid, the moneys in said fund shall be used for no other purpose than the payment of said bonds and accruing interest thereon.

(Added by Stats. 1945, Ch. 932; repealed and added by Stats. 1947, Ch. 18.)

32313. (Added by Stats. 1945, Ch. 932; repealed by Stats. 1947, Ch. 18.)

## DIVISION 24. COMMUNITY REDEVELOPMENT AND HOUSING

(Added by Stats. 1951, Ch. 710, as part of codification)

### PART 1. COMMUNITY REDEVELOPMENT LAW

#### CHAPTER 1. GENERAL

##### Article 1. General Provisions and Definitions

33000. This part may be cited as the Community Redevelopment Law. Short title

33001. The definitions and general provisions contained in this article govern the construction of this part, unless the context otherwise requires. Construction

33002. "Agency" means a redevelopment agency created by this part or its predecessor. "Agency"

33003. "Redevelopment area" means an area of a community which is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in this part. "Redevelopment area"

(Amended by Stats. 1951, Ch. 1624.)

NOTE: Section 33003 as added by Stats. 1951, Ch. 710, reads as follows:

33003. "Redevelopment area" means an area of a community which the legislative body finds to be a blighted area whose redevelopment is necessary to effectuate the public purposes declared in this part.

33004. A redevelopment area need not be restricted to buildings, improvements, or lands which are detrimental or inimical to the public health, safety, or welfare, but may consist of an area in which such conditions predominate and injuriously affect the entire area. A redevelopment area may include lands, buildings, or improvements which are not detrimental to the public health, safety or welfare, but whose inclusion is found necessary for the effective redevelopment of the area of which they are a part. Same

33005. "Bonds" means any bonds, notes, interim certificates, debentures, or other obligations issued by an agency pursuant to Article 3 of Chapter 5. "Bonds"

33006. "Community" means a city or county. "Community"

33007. "Federal Government" means the United States or any of its agencies or instrumentalities. "Federal Government"

33008. "Legislative body" means the city council, board of supervisors, or other legislative body of a community. "Legislative body"

33009. "Obligee" includes any bondholder, his trustee, any lessor demising to the agency property used in connection with a project area or any assignee of all or part of his interest, and the Federal Government when it is a party to any contract with the agency. "Obligee"

33010. "Planning commission" means a planning commission established pursuant to law or charter. "Planning commission"

"Project  
area"

33011. "Project area" means all or part of a redevelopment area comprising one of the following:

(a) At least one block bounded on all sides by public highways as shown on the official map of the community.

(b) If no official map exists, an area of not less than 90,000 square feet, including any highways, streets, or alleys.

"Real  
property"

33012. "Real property" means:

(a) Land, including land under water and waterfront property.

(b) Buildings, structures, fixtures, and improvements on the land.

(c) Any property appurtenant to or used in connection with the land.

(d) Every estate, interest, privilege, easement, franchise, and right in land, including rights of way, terms for years, and liens, charges, or incumbrances by way of judgment, mortgage, or otherwise and the indebtedness secured by such liens.

"Redevelop-  
ment"

33013. "Redevelopment" means the planning, development, replanning, redesign, clearance, reconstruction, or rehabilitation, or any combination of these, of all or part of a redevelopment area, and the provision of such residential, commercial, industrial, public, or other structures or spaces as may be appropriate or necessary in the interest of the general welfare, including recreational and other facilities incidental or appurtenant to them.

It does not exclude the continuance of existing buildings or uses whose demolition and rebuilding or change of use are not deemed essential to the redevelopment and rehabilitation of the area. It includes:

(a) The alteration, improvement, modernization, reconstruction, or rehabilitation, or any combination of these, of existing structures in a project area.

(b) Provision for open space types of use, such as streets and other public grounds and space around buildings, and public or private buildings, structures and improvements, and improvements of public or private recreation areas and other public grounds.

(c) The replanning or redesign or original development of undeveloped areas as to which either of the following conditions exist:

(1) The areas are stagnant or improperly utilized because of defective or inadequate street layout, faulty lot layout in relation to size, shape, accessibility, or usefulness, or for other causes.

(2) The areas require replanning and land assembly for reclamation or development in the interest of the general welfare because of widely scattered ownership, tax delinquency, or other reasons.

"Redevelop-  
ment  
project"  
"State"

33014. "Redevelopment project" means any undertaking of an agency pursuant to this part.

33015. "State" includes any state agency or instrumentality.



33016. "Public body" means the State, or any city, county, district, authority, or any other subdivision or public body of the State. "Public body"

33017. Execution or other judicial process shall not issue against the real property of an agency nor shall any judgment against an agency be a charge or lien upon its real property. This section does not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage, deed of trust, or other encumbrance of an agency or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an agency on its rents, fees, or revenues. Exemption from execution

33018. For the purpose of aiding and cooperating in the planning, undertaking, construction, or operation of redevelopment projects located within the area in which it is authorized to act, any public body, upon the terms and with or without consideration as it determines, may: Public bodies: Powers

(a) Dedicate, sell, convey, or lease any of its property to a redevelopment agency.

(b) Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with redevelopment projects.

(c) Furnish, dedicate, close, pave, install, grade, regrade, plan, or replan streets, roads, roadways, alleys, sidewalks, or other places which it is otherwise empowered to undertake.

(d) Plan or replan, zone or rezone any part of such area and make any legal exceptions from building regulations and ordinances.

(e) Enter into agreements with the Federal Government respecting action to be taken by such public body pursuant to any of the powers granted by this part; such agreements may extend over any period, notwithstanding any law to the contrary.

(f) Purchase or legally invest in any of the bonds of an agency and exercise all of the rights of any holder of such bonds.

## Article 2. Declaration of State Policy

33040. It is found and declared that there exist in many communities blighted areas which constitute either social or economic liabilities, or both, requiring redevelopment in the interest of the health, safety, and general welfare of the people of such communities and of the State. These blighted areas are characterized by one or more of the conditions set forth in Sections 33041 to 33044, inclusive. Blighted areas:

33041. A blighted area is characterized by the existence of buildings and structures, used or intended to be used for living, commercial, industrial, or other purposes, or any combination of such uses, which are unfit or unsafe to occupy for such purposes and are conducive to ill health, transmission of Characteristics

disease, infant mortality, juvenile delinquency, and crime because of any one or a combination of the following factors:

(a) Defective design and character of physical construction.

(b) Faulty interior arrangement and exterior spacing.

(c) High density of population and overcrowding.

(d) Inadequate provision for ventilation, light, sanitation, open spaces, and recreation facilities.

(e) Age, obsolescence, deterioration, dilapidation, mixed character, or shifting of uses.

33042. A blighted area is characterized by:

(a) An economic dislocation, deterioration, or disuse, resulting from faulty planning.

(b) The subdividing and sale of lots of irregular form and shape and inadequate size for proper usefulness and development.

(c) The laying out of lots in disregard of the contours and other physical characteristics of the ground and surrounding conditions.

(d) The existence of inadequate streets, open spaces, and utilities.

(e) The existence of lots or other areas which are subject to being submerged by water.

Same

33043. A blighted area is characterized by a prevalence of depreciated values, impaired investments, and social and economic maladjustment to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered.

Same

33044. A blighted area is characterized by:

(a) In some parts of the blighted area, a growing or total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety, and welfare.

(b) In other parts of the blighted area, a loss of population and reduction of proper utilization of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere.

33045. It is further found and declared that:

(a) The existence of blighted areas characterized by any or all of such conditions constitutes a serious and growing menace which is condemned as injurious and inimical to the public health, safety, and welfare of the people of the communities in which they exist and of the people of the State.

(b) Such blighted areas present difficulties and handicaps which are beyond remedy and control solely by regulatory processes in the exercise of the police power.

(c) They contribute substantially and increasingly to the problems of, and necessitate excessive and disproportionate expenditures for, crime prevention, correction, prosecution, and punishment, the treatment of juvenile delinquency, the preservation of the public health and safety, and the maintaining of

adequate police, fire, and accident protection and other public services and facilities.

(d) This menace is becoming increasingly direct and substantial in its significance and effect.

(e) The benefits which will result from the remedying of such conditions and the redevelopment of blighted areas will accrue to all the inhabitants and property owners of the communities in which they exist.

33046. It is further found and declared that:

Same

(a) Such conditions of blight tend to further obsolescence, deterioration, and disuse because of the lack of incentive to the individual landowner and his inability to improve, modernize, or rehabilitate his property while the condition of the neighboring properties remains unchanged.

(b) As a consequence the process of deterioration of a blighted area frequently cannot be halted or corrected except by redeveloping the entire area, or substantial portions of it.

(c) Such conditions of blight are chiefly found in areas subdivided into small parcels, held in divided and widely scattered ownerships, frequently under defective titles, and in many such instances the private assembly of the land in blighted areas for redevelopment is so difficult and costly that it is uneconomic and as a practical matter impossible for owners to undertake because of lack of the legal power and excessive costs.

(d) The remedying of such conditions may require the public acquisition at fair prices of adequate areas, the clearance of the areas through demolition of existing obsolete, inadequate, unsafe, and insanitary buildings, and the redevelopment of the areas suffering from such conditions under proper supervision, with appropriate planning, and continuing land use and construction policies.

33047. For these reasons it is declared to be the policy of the State:

State  
policy

(a) To protect and promote the sound development and redevelopment of blighted areas and the general welfare of the inhabitants of the communities in which they exist by remedying such injurious conditions through the employment of all appropriate means.

(b) That whenever the redevelopment of blighted areas cannot be accomplished by private enterprise alone, without public participation and assistance in the acquisition of land, in planning and in the financing of land assembly, in the work of clearance, and in the making of improvements necessary therefor, it is in the public interest to employ the power of eminent domain, to advance or expend public funds for these purposes, and to provide a means by which blighted areas may be redeveloped or rehabilitated.

(c) That the redevelopment of blighted areas and the provision for appropriate continuing land use and construction policies in them constitute public uses and purposes for which public money may be advanced or expended and private property acquired, and are governmental functions of state concern



in the interest of health, safety, and welfare of the people of the State and of the communities in which the areas exist.

(d) That the necessity in the public interest for the provisions of this part is declared to be a matter of legislative determination.

(Amended by Stats. 1951, Ch. 1624.)

NOTE: Section 33047 as added by Stats. 1951, Ch. 710, reads as follows:

33047. For these reasons it is declared to be the policy of the State:

(a) To protect and promote the sound development and redevelopment of blighted areas and the general welfare of the inhabitants of the communities in which they exist by remedying such injurious conditions through the employment of all appropriate means.

(b) That whenever the redevelopment of blighted areas cannot be accomplished by private enterprise alone, without public participation and assistance in the acquisition of land, in planning and in the financing of land assembly, in the work of clearance, and in the making of improvements necessary therefor, it is in the public interest to employ the power of eminent domain, to advance or expend public funds for these purposes, and to provide a means by which blighted areas may be redeveloped or rehabilitated.

(c) That the redevelopment of blighted areas and the provision for appropriate continuing land use and construction policies in them constitute public uses and purposes for which public money may be advanced or expended and private property acquired, and are governmental functions of state concern in the interest of the health, safety, and welfare of the people of the State and of the communities in which the areas exist.

(d) That it is in the public interest that work on such projects be commenced as soon as possible in order to create postwar employment.

(e) That the necessity in the public interest for the provisions of this part is declared to be a matter of legislative determination.

Wartime  
housing  
projects

33048. It is found and declared that blighted areas may include housing areas constructed as temporary government-owned wartime housing projects, and that such areas may be characterized by one or more of the conditions enumerated in Sections 33041 to 33044, inclusive.

(Amended by Stats. 1951, Ch. 1624.)

NOTE: Section 33048 as added by Stats. 1951, Ch. 710, reads as follows:

33048. It is found and declared that blighted areas include housing areas constructed as wartime housing projects, and that such areas are characterized by one or more of the conditions enumerated in Sections 33041 to 33044, inclusive.

## CHAPTER 2. REDEVELOPMENT AGENCIES

### Article 1. Creation

Redevelop-  
ment agency

33200. There is in each community a public body, corporate and politic, known as the redevelopment agency of the community.

Declaration  
of need

33201. An agency shall not transact any business or exercise any powers under this part unless, by resolution, the legislative body declares that there is need for an agency to function in the community.

Exercise  
of powers

33202. In any proceeding involving the validity or enforcement of, or relating to, any contract by an agency, the

agency is conclusively deemed to have been established and authorized to transact business and exercise its powers upon proof of the adoption of such a resolution.

33203. If an agency has not redeveloped or acquired land for, or commenced the redevelopment of, a project, or entered into contracts for redevelopment within two years after the adoption of such a resolution, the legislative body may by resolution declare that there is no further need for the agency. Upon the adoption of the resolution the offices of the agency members are vacated and the capacity of the agency to transact business or exercise any powers is suspended until the legislative body adopts a resolution declaring the need for the agency to function.

Dissolution  
of agency

## Article 2. Redevelopment Agency, Officers, and Employees

33230. When the legislative body adopts a resolution declaring the need for an agency the mayor or chairman of the board of supervisors, with the approval of the legislative body, shall appoint five resident electors of the community as members of the agency.

Members:  
Appointment

33231. A member may not be an elective officer or an employee of the community, but, notwithstanding any other law, he may be a member, commissioner, or employee of any other agency or authority of, or created for, the community.

Qualifi-  
cations

33232. Three of the members first appointed shall be designated to serve for terms of one, two, and three years, respectively, from the date of their appointments and two shall be designated to serve for terms of four years from the date of their appointments. Their successors shall be appointed for four-year terms. Vacancies occurring during a term shall be filled for the unexpired term. A member shall hold office until his successor has been appointed and has qualified.

Terms

33233. The appointing officer shall designate the first chairman from among the members. When there is a vacancy in such office, the agency shall elect a chairman from among its members. Unless otherwise prescribed by the legislative body, the term of office as chairman is for the calendar year, or for that portion remaining after he is designated or elected.

Chairman

33234. Members shall receive their actual and necessary expenses, including traveling expenses incurred in the discharge of their duties. They may receive such other compensation as the legislative body prescribes.

Compensation

33235. For inefficiency, neglect of duty, or misconduct in office, a member may be removed by the appointing officer, but only after he has been given a copy of the charges at least 10 days prior to a public hearing on them and has had an opportunity to be heard in person or by counsel. If a member is removed, a record of the proceedings and the charges and findings shall be filed in the office of the clerk of the community.

Removal  
from  
office

Interest in  
property  
by officer,  
etc.

33236. No agency or community officer or employee who in the course of his duties is required to participate in the formulation of or to approve plans or policies for the redevelopment of a project area shall acquire any interest in any property included within a project area within the community. If any such officer or employee owns or has any direct or indirect financial interest in such property, he shall immediately make a written disclosure of it to the agency and the legislative body which shall be entered on their minutes. Failure to so disclose constitutes misconduct in office.

Acquisition  
from  
officers, etc.

33237. An agency shall not acquire from any of its members or officers any property or interest in property except through eminent domain proceedings.

### Article 3. Powers of a Redevelopment Agency

Powers in  
members

33260. The powers of each agency are vested in the members in office.

Govern-  
mental  
functions

33261. Each redevelopment agency exercises governmental functions and has the powers prescribed in this part.

Powers  
of agency

33262. An agency may:

(a) Sue and be sued.

(b) Have a seal.

(c) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(d) Make, amend, and repeal by-laws and regulations not inconsistent with, and to carry into effect, the powers and purposes of this part.

Same

33263. An agency may:

(a) Obtain, hire, purchase, or rent office space, equipment, supplies, insurance, and services.

(b) Authorize and pay the travel expenses of agency members, officers, agents, counsel, and employees on agency business.

Services,  
etc., of  
planning  
commission

33264. For the purposes of the agency, it shall have access to the services and facilities of the planning commission, the city engineer, and other departments and offices of the community.

Employees

33265. An agency may select, appoint, and employ such permanent and temporary officers, agents, counsel, and employees as it requires, and determine their qualifications, duties, benefits, and compensation, subject only to the conditions and restrictions imposed by the legislative body on the expenditure or incumbrance of the budgetary funds appropriated to the community redevelopment agency administrative fund.

(Amended by Stats. 1951, Ch. 619.)

NOTE: Section 33265 as added by Stats. 1951, Ch. 710, reads as follows:

33265. An agency may select, appoint, and employ such permanent and temporary officers, agents, counsel, and employees as it requires, and determine their qualifications, duties, and compensation, subject only to the conditions and restrictions imposed by the legislative body on the expenditure or incumbrance of the budgetary funds appropriated to the community redevelopment agency administrative fund.



**33266. An agency may :**Powers  
of agency

(a) From time to time prepare plans for the improvement, rehabilitation, and redevelopment of blighted areas.

(b) Disseminate redevelopment information.

(c) Accept financial or other assistance from any public or private source, for the agency's activities, powers, and duties, and expend any funds so received for any of the purposes of this part.

**33267. Within the redevelopment area or for purposes of Same redevelopment an agency may :**

(a) Purchase, lease, obtain option upon, acquire by gift, grant, bequest, devise, or otherwise, any real or personal property, any interest in property, and any improvements on it.

(b) Acquire real property by eminent domain.

(c) Clear buildings, structures, or other improvements from any real property acquired.

(d) Sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage, deed of trust, or otherwise, or otherwise dispose of any real or personal property or any interest in property.

(e) Insure or provide for the insurance of any real or personal property or operations of the agency against risks or hazards.

(f) Rent, maintain, manage, operate, repair, and clear such real property.

**33268. Any lease or sale made pursuant to Section 33267 may be made without public bidding but only after a public hearing by the agency upon the proposed lease or sale and the provisions of the sale or lease.**

Leases  
or sales

**33269. An agency may develop as a building site any real property owned or acquired by it. In connection with such development it may cause streets and highways to be laid out and graded, and pavements or other road surfacing, sidewalks and curbs, and public utilities to be constructed and installed.**

Building  
sites

**33270. An agency may operate a rehousing bureau to assist site occupants in obtaining adequate temporary or permanent housing. It may incur any necessary expenses for this purpose.**

Rehousing  
bureau**33271. An agency may :**

(a) Invest any money held in reserves or sinking funds, or any money not required for immediate disbursement, in property or securities in which savings banks may legally invest money subject to their control.

Investment  
of funds

(b) Purchase its bonds at a price not more than their principal amount and accrued interest. All bonds so purchased shall be canceled.

Purchase  
of bonds

**33272. An agency may obligate lessees or purchasers of property acquired in a redevelopment project to :**

Obligation  
of lessees,  
or purchasers

(a) Use the property for the purpose designated in the redevelopment plans.

(b) Begin the redevelopment of the project area within a period of time which the agency fixes as reasonable.

(c) Comply with other conditions which the agency deems necessary to carry out the purposes of this part.

Same:  
Contract  
provisions

33273. The agency may provide in the contract that any of the obligations of the purchaser are covenants or conditions running with the land, the breach of which shall cause the fee to revert to the agency.

Restriction

33274. This part does not authorize an agency to construct or rehabilitate any of the buildings for residential, commercial, industrial, or other use contemplated by the redevelopment plan. This part does not authorize an agency to sell, lease, grant, or donate public property to a housing authority or to any public agency for low-rent public housing projects.

Same

33275. Without the consent of the owner, an agency shall not acquire any real property on which existing buildings are to be continued on their present site and in their present form and use, unless they require alteration, improvement, modernization, or rehabilitation under the redevelopment plan and the owner fails or refuses to agree to participate in the redevelopment plan pursuant to Sections 33701 and 33745.

Aid from  
State or  
Federal  
Government

33276. An agency may borrow money or accept financial or other assistance from the State or the Federal Government for any redevelopment project within its area of operation, and may comply with any conditions of such loan or grant.

Eminent  
domain

33277. Property already devoted to a public use may be acquired by the agency through eminent domain, but property of a public body shall not be acquired without its consent.

Jurisdiction

33278. The territorial jurisdiction of the agency of a county is the unincorporated territory in the county, and that of a city or city and county is the territory within its limits.

Payments  
in lieu  
of taxes

33279. The agency may in any year during which it owns property in a redevelopment project pay to any city, county, city and county, district or other public corporation which would have levied a tax upon such property had it not been exempt, an amount of money in lieu of taxes.

(Added by Stats. 1951, Ch. 1411.)

Same

33280. An agency may, in any year during which it owns property in a redevelopment project, pay to any city, county, city and county, district or other public corporation which would have levied a tax upon such property had it not been exempt, an amount of money in lieu of taxes.

(Added by Stats. 1951, Ch. 1686.)

#### Article 4. Contracts

Contracts  
for work

33300. Any work of grading, clearing, demolition, or construction in excess of one thousand five hundred dollars (\$1,500) undertaken by the agency shall be done by contract after competitive bids.

Prevailing  
wage rates

33301. Before awarding any contract for such work to be done in a project, the agency shall ascertain the general prevailing rate of per diem wages in the locality in which the work is to be performed, for each craft or type of workman needed

to execute the contract or work, and shall specify in the call for bids for the contract and in the contract such rate and the general prevailing rate for regular holiday and overtime work in the locality, for each craft or type of workman needed to execute the contract.

33302. The contractor to whom the contract is awarded and any subcontractor under him shall pay not less than the specified prevailing rate of wages to all workmen employed in the execution of the contract. Same:  
Payment by  
contractor

33303. As a penalty to the agency which awarded the contract, the contractor shall forfeit ten dollars (\$10) for each calendar day or portion thereof for each workman paid less than the stipulated prevailing rates for any public work done under the contract by him or by any subcontractor under him. A stipulation to this effect shall be included in the contract. Penalty  
for non-  
compliance

33304. Each contractor and subcontractor shall keep an accurate record showing the name, occupation, and actual per diem wages paid to each workman employed by him in connection with the work. The record shall be kept open at all reasonable hours to the inspection of the agency. Records

33305. An agency shall require each successful bidder to file with it good and sufficient bonds, to be approved by it. The bonds shall be conditioned upon the faithful performance of the contract and upon the payment of all claims for labor and material in connection with the contract. The bonds shall contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and are subject to the provisions of that chapter. Indemnity  
bonds

## Article 5. Joint Exercise of Powers

33330. Two or more agencies within two or more communities may jointly exercise the powers granted under this part. In such case the agencies, the planning commissions, and the legislative bodies may hold joint hearings and meetings, or the legislative bodies of the communities acting separately may each designate the agency of one of the communities to act as the agency for all of the interested communities. Joint  
exercise  
of powers

(Amended by Stats. 1951, Ch. 1057.)

NOTE: Section 33330 as added by Stats. 1951, Ch. 710, reads as follows:

33330. Two or more agencies within two or more communities may jointly exercise the powers granted under this part. In such case the agencies, the planning commissions, and the legislative bodies may hold joint hearings and meetings, or the legislative bodies of the communities acting separately may each designate the agency of one of the communities to act as the agency of all of the interested communities.

33331. If one agency is designated, it shall obtain the report and recommendation of the planning commission of each community on the redevelopment plan and its conformity to the master or general plan of each community before presenting the tentative redevelopment plan or the redevelopment plan to the respective legislative bodies for adoption. Designation  
of single  
agency



Cooperation 33332. The designated agency and each planning commission shall cooperate in formulating redevelopment plans.

Contiguous territory 33333. By ordinance the legislative body of a community may authorize the redevelopment of an area within its territorial limits by another community if such area is contiguous to such other community. The ordinance shall designate the community to undertake such redevelopment. The community so authorized may undertake the redevelopment of such area in all respects as if the area was within its territorial limits and its legislative body, agency, and planning commission shall have all the rights, powers, and privileges with respect to such area as if it was within the territorial limits of the community so authorized. Neither the legislative body, agency, nor planning commission of the community so authorizing shall be required to comply with any requirements of this part except as set forth in this section. Any redevelopment plan for such area shall be approved by ordinance enacted by the legislative body of the community so authorizing.

Approval of plans

(Amended by Stats. 1951, Ch. 1057.)

NOTE: Section 33333 as added by Stats. 1951, Ch. 710, reads as follows:

33333. By resolution the legislative body of any community may consent to the inclusion of a part of the area under its jurisdiction in a contiguous project area to be developed by another community.

### CHAPTER 3. PRELIMINARY AND TENTATIVE REDEVELOPMENT PLANS

#### Article 1. Community Prerequisites

Prerequisites:  
Compliance

33450. Before any area is designated for redevelopment, the community authorized to undertake such development shall comply with the requirements of this article.

(Amended by Stats. 1951, Ch. 1057.)

NOTE: Section 33450 as added by Stats. 1951, Ch. 710, reads as follows:

33450. Before any area is designated for redevelopment, a community shall comply with the requirements of this article.

Planning commission  
Master or general plan

33451. The community shall have a planning commission.

33452. The community shall have a master or general community plan adopted by the planning commission or the legislative body. The plan shall include all of the following:

(a) The general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other major public utilities and facilities.

(b) A land-use plan which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, recreation, education, public buildings and grounds, and other categories of public and private uses of land.

(c) A statement of the standards of population density and building intensity recommended for the various districts and other territorial units, and estimates of future population growth, in the territory covered by the plan, all correlated with the land-use plan.

(d) Maps, plans, charts, or other descriptive matter showing the areas in which conditions are found indicating the existence of blighted areas.

## Article 2. Designation of Redevelopment Area

33480. Redevelopment areas may be designated by resolution of the legislative body, or the legislative body may by resolution authorize the designation of redevelopment areas by resolution of the planning commission or by resolution of the members of the agency. Designation

(Amended by Stats. 1951, Ch. 1624.)

NOTE: Section 33480 as added by Stats. 1951, Ch. 710, reads as follows:

33480. By ordinance adopted by a majority vote of the entire membership, the legislative body may designate one or more areas within the community as a redevelopment area. The ordinance shall include a legal description of the boundaries of the area designated.

33481. The resolution designating a redevelopment area or areas shall contain the following: Resolution:  
Contents

(a) A finding that the area designated is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in this act;

(b) A finding that the area requires study to determine if a redevelopment project or projects within said area are feasible;

(c) A description of the boundaries of the area designated.

(Amended by Stats. 1951, Ch. 1624.)

NOTE: Section 33481 as added by Stats. 1951, Ch. 710, reads as follows:

33481. The agency or the planning commission may request the legislative body to designate one or more areas within the community as a redevelopment area.

33482. Any person, group, association or corporation may in writing, request the legislative body (or the planning commission or the agency if they are authorized by the legislative body to designate redevelopment areas) to designate a redevelopment area or areas for project study purposes, and may submit with their request plans showing the proposed redevelopment of such areas or any part or parts thereof. Request for  
designation

(Amended by Stats. 1951, Ch. 1624.)

NOTE: Section 33482 as added by Stats. 1951, Ch. 710 reads as follows:

33482. Any person, group, association, or corporation may petition the legislative body in writing to designate one or more areas within the community as redevelopment areas, and may submit with the petition plans showing the proposed redevelopment of such areas or any part thereof.

### Article 3. Selection of Project Area and Formulation of Preliminary Plans and Tentative Plans

Preliminary  
plan

33500. Of its own motion or at the request of the agency the planning commission may, or at the direction of the legislative body or upon the written petition of the owners in fee of a majority in area of any redevelopment area, excluding publicly owned areas or areas dedicated to a public use, the planning commission shall, select one or more project areas comprising all or part of such redevelopment area, and formulate a preliminary plan for the redevelopment of each project area.

Same:  
Contents

33501. A preliminary plan need not be detailed and is sufficient if it:

(a) Describes the boundaries of the project area.

(b) Contains a general statement of the land uses, layout of principal streets, population densities, and building intensities and standards proposed as the basis for the redevelopment of the project area.

(c) Shows how the purposes of this part would be attained by such redevelopment.

(d) Shows that the proposed redevelopment conforms to the master or general community plan.

Presentation  
to agency

33502. The planning commission shall submit the preliminary plan for each project area to the agency and the agency shall base the tentative plan upon the preliminary plan. The agency shall make an analysis of the preliminary plan and include the analysis in its report to the legislative body pursuant to Section 33560.

Cooperation

33503. The agency and planning commission shall cooperate in the selection of project areas and in the preparation of the preliminary and tentative plans.

### Article 4. Hearing on Tentative Plans

Hearing

33530. Before submitting the tentative plan to the legislative body the agency shall conduct a public hearing on it.

Notice

33531. The agency shall publish notice of the hearing not less than once a week for four successive weeks prior to the hearing. The notice shall be published in a newspaper of general circulation, printed and published in the community, or if there is none, in a newspaper selected by the agency.

Contents

33532. The notice of hearing shall include a legal description of the boundaries of the area or areas designated in the tentative plan and a general statement of the scope and objectives of the plan.

Mailing

33533. Copies of the notices shall be mailed to the last known assessee of each parcel of land within the area designated in the tentative plan, at his last known address as shown by the records of the assessor for the community.

Hearing

33534. At the hearing the agency shall provide an opportunity for all interested persons or public or private agencies to be heard and to submit alternative redevelopment plans for



a project area, and shall receive and consider written communications with reference to the alternative plan.

33535. Any alternative plan submitted for a project area shall be considered and reported on by the agency and the planning commission in the manner provided for in Section 33567 when the tentative plan of a project area is submitted to the legislative body. Alternative plan

If after the public hearings the agency makes substantial changes in the tentative plan, which affect the master or general community plan adopted by the planning commission or the legislative body, the tentative plan shall be resubmitted to the planning commission for its report and recommendation. Resubmission to planning commission

## Article 5. Adoption of Tentative Plan

33560. The tentative plan shall be presented by the agency to the legislative body and shall be accompanied by a report: Submission of plan

(a) Setting forth the reasons for the selection of the project area.

(b) Describing the physical, social, and economic conditions existing in the area.

(c) Including a preliminary financial analysis of the proposed redevelopment and proposed rent ranges on properties for residential use, for the purpose of indicating the general character of the proposed residential development.

(d) Including the report and recommendations of the planning commission.

33561. Upon submission to it of a tentative plan for a project area, the legislative body may approve or reject it pursuant to this article, or refer it back to the agency or planning commission for further study or revision. Approval or rejection

33562. Before passing upon the tentative plan, the legislative body shall set a time and fix a place for a public hearing on its adoption. Hearing on adoption

33563. Notice of the hearings shall be published not less than once a week for three successive weeks prior to the date of hearing. The notice shall be by publication in a newspaper of general circulation, printed and published in the community, or if there is none, in a newspaper selected by the legislative body. Notice

33564. The notice of hearing shall include a legal description of the boundaries of the area or areas designated in the tentative plan and a general statement of the scope and objectives of the plan. Contents

33565. At the hearing the legislative body shall: Hearing

(a) Consider the report of the agency and the recommendation and report of the planning commission.

(b) Provide an opportunity for all interested persons or agencies to be heard and receive and consider written communications with reference to the tentative plan.

(c) Take other evidence and testimony presented concerning the matters under consideration.

Alternative  
plan

33566. At any time prior to the adoption of a tentative plan by the legislative body, any qualified person or public or private agency may present to the legislative body an alternative plan for the project area.

Same

33567. Any alternative plan of a project area submitted to the legislative body which has not already been considered and reported on by the agency and the planning commission shall be referred to them for consideration and report. The agency shall report to the legislative body and make its recommendations on the alternative plan within 30 days. The planning commission shall report within 30 days to the legislative body and make its recommendations concerning the alternative plan and its conformity to the master or general plan of the community.

Report

Continuance  
of hearing

The hearing on a tentative plan may be postponed or continued from time to time to allow time for the agency and the planning commission to make such report.

Approval  
or rejection

33568. After the hearing the legislative body shall:

(a) Determine whether the redevelopment of the project area pursuant to this part is in the public interest and tends to effectuate the purposes and policy of this part.

(b) Approve or reject the tentative plan or any alternative plan, or modify either and approve or reject it as modified.

Same

33569. If the planning commission recommends against the approval of the tentative plan or any alternative plan, by ordinance the legislative body may adopt either plan upon a two-thirds vote of its entire membership. If the planning commission recommends approval or fails to make any recommendation within 30 days or within the time allowed by the legislative body for the agency and the planning commission to report, by ordinance the legislative body may adopt the tentative plan by a majority vote of the entire membership.

Approved  
redevelop-  
ment  
project  
area

33570. When the legislative body approves a tentative plan for a project area, the area shall be established and given a name and number. It shall thereafter be referred to as an approved redevelopment project area, and all records or certified copies thereof in relation to the area shall be consolidated into one file, designated by such name and number, and preserved by the clerk of the legislative body as public records.

Ordinance:  
Contents

33571. The ordinance shall include:

(a) A legal description of the boundaries of the project area.

(b) A statement of findings, based upon surveys, investigations, and reports of public agencies, and any other information showing the extent and character of blight, obsolescence, and substandard conditions in the area and their injurious and detrimental effects upon the public health, safety, and general welfare.

(c) The tentative plan for the redevelopment of the project area, showing the principal features of the master plan or general community plan as they apply to the project area.

33572. The legislative body shall transmit to the agency, the planning commission, and the building department of the community a copy of the ordinance. Transmission of copy

33573. The legislative body shall file with the county recorder of the county in which the project area is situated a description of the land within the project area and a statement that proceedings for the redevelopment of the project area have been instituted under this part. Filing of description and statement

33574. After the adoption of a tentative plan for a project area, all applicants for building permits in the area shall be advised by the building department of the community that the site for which a building permit is sought for the construction of buildings or for other improvements is within a proposed redevelopment project area. Building permits in project area

## CHAPTER 4. REDEVELOPMENT PLANS

### Article 1. Formulation of Redevelopment Plans

33700. Each agency shall prepare or cause to be prepared, or adopt, a redevelopment plan for each project area and for that purpose may hold hearings and conduct examinations, investigations, and other negotiations. Preparation or adoption

33701. Every redevelopment plan shall provide for participation in the redevelopment of property in the project area by the owners of all or part of such property if the owners agree to participate in the redevelopment in conformity with the redevelopment plan adopted by the legislative body for the area. This section does not prohibit the owners from submitting an alternative plan pursuant to this part. Property owner participation

33702. Every redevelopment plan which contemplates property owner participation in the redevelopment shall contain alternative provisions for redevelopment of the property if the owners fail to participate in the redevelopment as agreed. Alternative provisions

33703. A redevelopment plan for a project area shall be based upon the approved tentative plan and conform to the master or general community plan insofar as the latter applies to the project area. The agency shall consult with the planning commission of the community in formulating redevelopment plans. Conformance with master plan

33704. Before the redevelopment plan of each project area is submitted to the legislative body, it shall be submitted to the planning commission for its report and recommendation concerning the redevelopment plan and its conformity to the master or general community plan adopted by the planning commission or the legislative body. Within 30 days after a redevelopment plan is submitted to it for consideration, the planning commission shall make and file its report and recommendation with the agency. Planning commission action

33705. If the planning commission recommends against the approval of the redevelopment plan, the legislative body Adoption



may adopt such plan by a two-thirds vote of its entire membership. If the planning commission recommends approval or fails to make any recommendation within the time allowed, the legislative body may adopt the redevelopment plan by a majority vote of the entire membership.

## Financing

33706. Every redevelopment plan shall describe the proposed method of financing the redevelopment of the project area in sufficient detail so that the legislative body may determine the economic feasibility of the plan.

## Contents of redevelopment plan

33707. Every redevelopment plan shall show:

(a) The amount of open space to be provided and street layout.

(b) Limitations on type, size, height, number, and proposed use of buildings.

(c) The number of dwelling units.

(d) The property to be devoted to public purposes and the nature of such purposes.

(e) Other covenants, conditions, and restrictions which the legislative body prescribes.

## Acquisition of property

33708. A redevelopment plan may provide for the agency to acquire by gift, purchase, lease, or condemnation all or part of the real property in the project area.

## Lease or sale of property

33709. A redevelopment plan shall provide for the agency to lease or sell all real property acquired by it in any project area, except property conveyed by it to the community. Any such lease or sale shall be conditioned on the redevelopment and use of the property in conformity with the redevelopment plan.

## Bond issuance

33710. A redevelopment plan may provide for the agency to issue bonds and expend the proceeds from their sale in carrying out the redevelopment plan.

## Submission to legislative body

33711. Upon the formation or adoption of a redevelopment plan and its submission to the planning commission of the community, the agency shall submit it to the legislative body.

## Article 2. Adoption of Redevelopment Plans

## Consideration

33730. The legislative body shall consider the redevelopment plan of a project area submitted by the agency, any alternative plan submitted pursuant to this part, and all evidence and testimony for or against the adoption of the plans.

## Determination

33731. On the question of the adoption of any redevelopment plan, the legislative body shall determine:

(a) Whether the plan would redevelop the area in conformity with this part and in the interests of the public peace, health, safety, and welfare.

(b) Whether the adoption and carrying out of the redevelopment plan is economically sound and feasible.

## Alternative plans

33732. If alternative plans are submitted, the legislative body shall give preference to the plan which it deems will best redevelop the project area in conformity with the purposes and

policy of this part and the master or general plan for the community and which requires the least interference with the continued enjoyment of existing property rights consistent with the purposes of this part.

33733. If the legislative body determines that the redevelopment plan conforms to the master or general plan of the community, that it is economically sound and feasible, and that the carrying out of the plan would promote the public peace, health, safety, and welfare of the community and would effectuate the purposes and policy of this part, by ordinance adopted by a majority vote of all the members it may adopt the plan as the official redevelopment plan for the project area. Adoption

33734. If the plan provides for the expenditure of any money by the community, the legislative body shall provide for such expenditure at the time of or in connection with the approval of the plan. Expenditure of money

33735. If the plan provides for the opening, closing, widening, or changing the grade of any streets or alleys or any other modification of the street layout in the project area, the legislative body shall declare its intention to institute proceedings therefor at the time of or in connection with the adoption of the plan. Street, etc., changes

33736. If the plan provides for the condemnation of any real property, the legislative body shall not adopt the plan unless it contains adequate provisions for payment for property so acquired as provided by law. Condemnation of property

33737. If the plan provides for the issuance of bonds or other obligations of the agency, the legislative body shall not approve the plan unless it contains adequate provision for the payment of the principal and interest when they become due and payable. Bond issuance

33738. If the plan provides for the temporary or permanent displacement of any occupants of housing facilities in the project area, the legislative body shall not approve the plan except upon the finding that adequate permanent housing facilities are or will be made available in the community for such displaced occupants at rents comparable to those in the community at the time of their displacement. Housing for displaced inhabitants

(Amended by Stats. 1951, Ch. 1624.)

NOTE: Section 33738 as added by Stats. 1951, Ch. 710, reads as follows:

33738. If the plan provides for the temporary or permanent displacement of any occupants of housing facilities in the project area, the legislative body shall not approve the plan except upon the finding that adequate permanent housing facilities are or will be made available in the community for such displaced occupants at rents comparable to those in the community at the time of their displacement.

33739. The legislative body shall also be satisfied that such permanent housing facilities will be made available within three years from the time such occupants are displaced and that pending the development of such facilities there will be available to such displaced occupants adequate temporary housing Same

facilities at rents comparable to those in the community at the time of their displacement.

(Amended by Stats. 1951, Ch. 1624.)

NOTE: Section 33739 as added by Stats. 1951, Ch. 710, reads as follows:

33739. The legislative body shall also be satisfied that such permanent housing facilities will be made available within three years from the time such occupants are displaced and that pending the development of such facilities there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement.

33740. (Repealed by Stats. 1951, Ch. 1624.)

NOTE: Section 33740 as added by Stats. 1951, Ch. 710, reads as follows:

33740. If persons of low income, as defined in the Housing Authorities Law, are to be displaced, prior to its approval of the redevelopment plan the legislative body shall obtain and consider any recommendations of the housing authority authorized to transact business in the community, with respect to the availability and provision of adequate housing for such persons.

#### Safeguards

33741. No plan shall be approved unless it contains adequate safeguards that the work of redevelopment will be carried out pursuant to the plan and provides for the retention of controls and the establishment of any restrictions or covenants running with land sold or leased for private use for such periods of time and under such conditions as the legislative body deems necessary to effectuate the purposes of this part. The establishment of such controls is a public purpose under the provisions of this part.

#### Ordinance of adoption

33742. The approval of a redevelopment plan by a legislative body shall be by ordinance. The ordinance shall:

(a) Contain a legal description of the boundaries of the project area covered by the redevelopment plan.  
(b) Set forth the purposes and intent of the legislative body with respect to the project area.

(c) Refer specifically to the determinations required in other sections of this article.

(d) Contain by reference to maps, reports, and other information the full details of the approved plan.

(e) Designate the approved plan as the official redevelopment plan of the project area.

#### Agency responsibility

33743. Upon the filing of the ordinance with the clerk or other appropriate officer of the legislative body, a copy of the ordinance shall be sent to the agency, and the agency is vested with the responsibility for carrying out the plan.

#### Contracts

33744. Before entering into any or certain types of contracts in connection with the redevelopment plan, the legislative body may require the agency to submit such contracts to the legislative body and obtain its approval.

#### Failure of owners to participate

33745. If the redevelopment plan adopted provides for participation in the redevelopment of property in the area by the owners of such property, and if for 30 days after the adoption of the plan, the owners fail or refuse to enter into a binding



agreement for participation in accordance with the plan, the alternative provisions provided for in Section 33702 become effective as the official redevelopment plan of the project area. The legislative body may extend the 30-day period by not more than 60 days.

33746. After the adoption of the redevelopment plan and the expiration of the period provided for in Section 33745, further proceedings which affect the specific area in which the owners refused to participate with reference to redevelopment of the project area shall be stayed for 30 days. Contest  
of validity

Any action to contest the validity of the proceedings for the adoption of a redevelopment plan is barred upon the expiration of such period of 30 days. In any action commenced after the expiration of the 30-day period, except as to matters affecting jurisdiction, the validity of the proceedings is conclusively presumed.

Upon the expiration of the 30-day stay, the agency has the authority to execute the plan.

## CHAPTER 5. FINANCIAL PROVISIONS

### Article 1. General

33850. At any time after the agency created for any community becomes authorized to transact business and exercise its powers, the legislative body of the community may appropriate to the agency such amounts as the legislative body deems necessary for the administrative expenses and overhead of the agency. The money appropriated may be paid to the agency as a grant to defray the expenses and overhead, or as a loan to be repaid upon such terms and conditions as the legislative body may provide. Appropriation to  
agency

In addition to the common understanding and usual interpretation of the term, "administrative expense" includes, but is not limited to, expenses of redevelopment planning and dissemination of redevelopment information. "Adminis-  
trative  
expense"

33851. Each agency transacting business and exercising powers under this part shall annually submit to the legislative body of the community a proposed budget of its administrative expenses. Budget

33852. The legislative body may adopt an annual budget for the administrative expenses of the agency in such amounts as it deems necessary and may provide such conditions and restrictions upon the expenditure or encumbrance of the money appropriated pursuant to the budget as it deems advisable. Same:  
Adoption

33853. The money appropriated for administrative expenses shall be kept in the treasury of the community in a special fund to be known as the Community Redevelopment Agency Administrative Fund, and money shall be drawn from the fund to meet the administrative expenses of the agency in substantially the same manner as money is drawn by other agencies and departments of the community subject to budgetary control. Community  
Redevelop-  
ment Agency  
Adminis-  
trative Fund

**Construction** 33854. The money appropriated by the legislative body to the Community Redevelopment Agency Administrative Fund is money granted by the community to defray the administrative expenses of the agency which is performing a public function of the community and the grant of money in this manner is not to be construed as making the agency a department of the community or as placing the officers, agents, counsel, and employees under civil service of the community.

**Financial reports** 33855. Each such agency shall file with the legislative body a detailed report of all its transactions, including a statement of all revenues and expenditures, at monthly, quarterly, or annual intervals as the legislative body may prescribe.

## Article 2. Redevelopment Revolving Fund

**Establishment** 33880. At any time after it has adopted a resolution declaring that there is need for an agency to function in the community, the legislative body may establish a Redevelopment Revolving Fund to be kept in the treasury of the community.

**Bonds** 33881. For the purpose of raising money to be deposited in such fund, the legislative body may appropriate money or the community may issue and sell its general obligation bonds.

**Same** 33882. Except as otherwise provided in this part, any general obligation bonds issued by any community pursuant to this article shall be authorized and issued in the manner and within the limitations prescribed by law or the charter of the community for the issuance and authorization of such bonds for public purposes generally. Irrespective of any limitation as to the amount of general obligation bonds which may be issued, a community may issue such bonds for the purposes prescribed in this article, in excess of the limitation, in such amount as may be authorized by the voters of the community at any general or special election.

(Amended by Stats. 1951, Ch. 1411.)

**NOTE:** Section 33882 as added by Stats. 1951, Ch. 710, reads as follows:

33882. Except as otherwise provided in this part, any general obligation bonds issued by any community pursuant to this article shall be authorized and issued in the manner and within the limitations prescribed by law or the charter of the community for the issuance and authorization of such bonds for public purposes generally. Irrespective of any limitation as to the amount of general obligation bonds which may be issued, a community may issue such bonds for the purposes prescribed by this article, in excess of the limitation, in such amount as may be authorized by an ordinance submitted to and approved by the voters of the community at any general or special election.

**Expenditures** 33883. By resolution of the legislative body adopted by a majority vote any money in the Redevelopment Revolving Fund may be expended from time to time for:

(a) The acquisition of real property in any project area.

(b) The clearance, aiding in relocation of site occupants, and preparation of any project area for redevelopment.

33884. By resolution of the legislative body adopted by a two-thirds vote, any money in the Redevelopment Revolving Fund may be paid to the agency, upon such terms and conditions as the legislative body may prescribe for any of the following purposes:

Payments  
to agency

(a) Deposit in a trust fund to be expended for the acquisition of real property in any project area.

(b) The clearance of any project area for redevelopment.

(c) Any expenses necessary or incidental to the carrying out of a redevelopment plan which has been adopted by the legislative body.

33885. No real or personal property, or any interest therein, acquired or constructed in whole or in part with money from the Redevelopment Revolving Fund shall be sold or leased for an amount less than its fair value for uses in accordance with the redevelopment plan as determined by resolution or ordinance of the legislative body.

Property  
sales  
or leases

(Amended by Stats 1951, Ch. 1624.)

NOTE: Section 33885 as added by Stats. 1951, Ch. 710, reads as follows:

33885. No real or personal property, or any interest therein, acquired or constructed in whole or in part with money from the Redevelopment Revolving Fund shall be sold or leased at a price or encumbered by mortgage, deed of trust, or otherwise for an amount less than its fair value for uses in accordance with the redevelopment plan.

33886. All money received by the agency from the sale, lease, or encumbering of property acquired with money from the Redevelopment Revolving Fund in excess of the money required to repay the loans and interest thereon authorized by this part shall be redeposited in the fund.

Redeposit  
of proceeds

33887. If any property acquired in whole or in part from the Redevelopment Revolving Fund is to be sold or leased by the agency, the sale or lease shall be first approved by the legislative body by resolution adopted after public hearing. Notice of the time and place of the hearing shall be published once in the official newspaper of the community at least one week prior to the hearing. The resolution shall be adopted by a majority vote unless the legislative body has provided by ordinance for a two-thirds vote for such purpose.

Approval  
of sale  
or lease

Hearing  
and notice

33888. All other provisions of this part that relate to financing are subject to Sections 33885 to 33887, inclusive. Nothing contained in such sections shall authorize an agency to construct any buildings, but an agency is subject to the limitations imposed by Article 3 of Chapter 2.

Financing  
provisions

33889. The legislative body of any community may abolish the Redevelopment Revolving Fund whenever it finds that the purposes for which it was established have been accomplished. At the time of abolishing the fund, the legislative body shall transfer all money in it to the general obligation bond redemption fund and provide that all money thereafter to be deposited or redeposited in the Redevelopment Revolving Fund shall be deposited in the general obligation bond redemption fund.

Redevelopment  
Revolving  
Fund:  
Abolishment



## Surplus

Any surplus existing in the general obligation bond redemption fund after payment of principal and interest shall be transferred to the general fund of the community.

## Article 3. Bonds

## Issuance

33910. From time to time an agency may issue bonds for any of its corporate purposes. An agency may also issue refunding bonds for the purpose of paying or retiring bonds previously issued by it.

## Types

33911. An agency may issue such types of bonds as it may determine, including bonds on which the principal and interest are payable:

(a) Exclusively from the income and revenues of the redevelopment projects financed with the proceeds of the bonds, or with such proceeds together with financial assistance from the State or Federal Government in aid of the projects

(b) Exclusively from the income and revenues of certain designated redevelopment projects whether or not they were financed in whole or in part with the proceeds of the bonds.

(c) In whole or in part from taxes allocated to, and paid into a special fund of, the agency pursuant to the provisions of Article 4 of this chapter.

(d) From its revenues generally.

(e) From any contributions or other financial assistance from the State or Federal Government.

(f) By any combination of these methods.

(Amended by Stats. 1951, Ch. 1411.)

NOTE: Section 33911 as added by Stats. 1951, Ch. 710, reads as follows:

33911. An agency may issue such types of bonds as it may determine, including bonds on which the principal and interest are payable:

(a) Exclusively from the income and revenues of the redevelopment projects financed with the proceeds of the bonds, or with such proceeds together with financial assistance from the State or Federal Government in aid of the projects.

(b) Exclusively from the income and revenues of certain designated redevelopment projects whether or not they were financed in whole or in part with the proceeds of the bonds.

(c) From its revenues generally.

(d) From any contributions or other financial assistance from the State or Federal Government.

(e) By any combination of these methods.

## Additional security

33912. Any of such bonds may be additionally secured by a pledge of any revenues or by an encumbrance by mortgage, deed of trust, or otherwise of any redevelopment project or other property of the agency or by a pledge of the taxes referred to in subdivision (c) of Section 33911, or by any combination thereof.

(Amended by Stats. 1951, Ch. 1411.)

NOTE: Section 33912 as added by Stats. 1951, Ch. 710, reads as follows:

33912. Any of such bonds may be additionally secured by a pledge of any revenues or by an encumbrance by mortgage, deed of trust, or otherwise of any redevelopment project or other property of the agency.

33913. Neither the members of an agency nor any persons executing the bonds are liable personally on the bonds by reason of their issuance. Liability:  
Agency  
members,  
etc.

33914. The bonds and other obligations of any agency are not a debt of the community, the State, or any of its political subdivisions and neither the community, the State, nor any of its political subdivisions is liable on them, nor in any event shall the bonds or obligations be payable out of any funds or properties other than those of the agency; and such bonds and other obligations shall so state on their face. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction. Nature of  
obligations

33915. No agency shall sell, offer for sale, negotiate for the sale of, or take subscriptions for any bonds of its own issue, to, with, or from the public, until it has first applied for and secured from the Commissioner of Corporations a permit authorizing it to do so. Permit for  
issuance  
of bonds

33916. The application shall be made and the permit issued pursuant to reasonable regulations therefor which the commissioner may adopt and amend from time to time. The commissioner shall issue the permit if he finds that the project is financially sound and that the sale of the bonds would not be unfair, unjust, or inequitable to the purchasers. The provisions of the Corporate Securities Law, not inconsistent with this part, are incorporated herein, insofar as they relate to applications for permits and the issuance of permits required by this section. Regulations  
  
Corporate  
Securities  
Law

33917. The agency may authorize bonds by resolution. The resolution, trust indenture, or mortgage shall provide for: Bonds:  
Provisions

- (a) The issuance of the bonds in one or more series.
- (b) The date the bonds shall bear.
- (c) The maturity dates of the bonds.
- (d) The interest rate, not exceeding four and one-half percent ( $4\frac{1}{2}\%$ ) a year.
- (e) The denomination of the bonds.
- (f) Their form, either coupon or registered.
- (g) The conversion or registration privileges carried by the bonds.
- (h) The rank or priority of the bonds.
- (i) The manner of their execution.
- (j) The medium of payment.
- (k) The place of payment.
- (l) The terms of redemption with or without premium to which the bonds are subject.

33918. The bonds may be sold at not less than par, at public sale held after notice published once at least five days prior to the sale in a newspaper of general circulation published in the community, or, if there is none, in a newspaper of general circulation published in the county. The bonds may be sold at not less than par to the Federal Government at private sale without any advertisement. Same: Sale

- Signatures** 33919. If any agency member or officer whose signature appears on bonds or coupons ceases to be such member or officer before delivery of the bonds, his signature is as effective as if he had remained in office.
- Negotiability** 33920. Bonds issued pursuant to this part are fully negotiable.
- Validity** 33921. In any action or proceedings involving the validity or enforceability of any bonds or their security, any such bond reciting in substance that it has been issued by the agency to aid in financing a redevelopment project is conclusively deemed to have been issued for a redevelopment project and the project is conclusively deemed to have been planned, located, and constructed pursuant to this part.
- Agency powers:** 33922. In connection with the issuance of bonds, and in addition to its other powers, an agency has the powers prescribed in Sections 33923 to 33931, inclusive.
33923. An agency may:
- Pledges** (a) Pledge all or any part of its gross or net rents, fees, or revenues to which its right then exists or may thereafter come into existence.
- Encumbrances** (b) Encumber by mortgage, deed of trust, or otherwise all or any part of its real or personal property, then owned or thereafter acquired.
- Covenants** 33924. An agency may covenant:
- (a) Against pledging all or any part of its rents, fees, and revenues.
- (b) Against encumbering all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence.
- (c) Against permitting any lien on such revenues or property.
- (d) With respect to limitations on its right to sell, lease, or otherwise dispose of all or part of any redevelopment project.
- (e) As to what other, or additional debts or obligations it may incur.
- Same** 33925. An agency may:
- (a) Covenant as to the bonds to be issued, as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the bond proceeds.
- (b) Provide for the replacement of lost, destroyed, or mutilated bonds.
- (c) Covenant against extending the time for the payment of its bonds or interest.
- (d) Redeem the bonds, covenant for their redemption, and provide the redemption terms and conditions.
- Same** 33926. An agency may:
- (a) Covenant as to the consideration or rents and fees to be charged in the sale or lease of a redevelopment project, the amount to be raised each year or other period of time by rents, fees, and other revenues, and as to their use and disposition.



(b) Create or authorize the creation of special funds for money held for redevelopment or other costs, debt service, reserves, or other purposes, and covenant as to the use and disposition of such money.

33927. An agency may prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds whose holders are required to consent thereto, and the manner in which such consent may be given. Procedure

33928. An agency may covenant:

(a) As to the use of any or all of its real or personal property. Covenants

(b) As to the maintenance of its real and personal property, its replacement, the insurance to be carried on it, and the use and disposition of insurance money.

33929. An agency may:

(a) Covenant as to the rights, liabilities, powers, and duties arising upon the breach by it of any covenant, condition, or obligation. Same

(b) Covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

33930. An agency may:

(a) Vest in a trustee or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds. Trustees

(b) Vest in a trustee the right, in the event of a default by the agency, to take possession of all or part of any redevelopment project, to collect the rents and revenues arising from it and to dispose of such money pursuant to the agreement of the agency with the trustee.

(c) Provide for the powers and duties of a trustee and limit his liabilities.

(d) Provide the terms and conditions upon which the trustee or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds.

33931. An agency may:

(a) Exercise all or any part or combination of the powers granted in Sections 33923 to 33930, inclusive. Additional powers

(b) Make covenants other than and in addition to the covenants expressly authorized in such sections, of like or different character.

(c) Make such covenants and to do any and all such acts and things as may be necessary, convenient, or desirable to secure its bonds, or, except as otherwise provided in this part, as will tend to make the bonds more marketable notwithstanding that such covenants, acts, or things may not be enumerated in this part.

Rights  
of obligee

33932. In addition to all other rights which may be conferred on him, and subject only to any contractual restrictions binding upon him, an obligee may:

(a) By mandamus, suit, action, or proceeding, compel the agency and its members, officers, agents, or employees to perform each and every term, provision, and covenant contained in any contract of the agency with or for the benefit of the obligee, and require the carrying out of any or all such covenants and agreements of the agency and the fulfillment of all duties imposed upon it by this part.

(b) By suit, action, or proceeding in equity, enjoin any acts or things which may be unlawful, or the violation of any of the rights of the obligee.

Obligee  
holding  
bonds

33933. By its resolution, trust indenture, mortgage, lease, or other contract, an agency may confer upon any obligee holding or representing a specified amount in bonds, the following rights upon the happening of an event or default prescribed in such resolution or instrument, to be exercised by suit, action, or proceeding in any court of competent jurisdiction:

(a) To cause possession of all or part of any redevelopment project to be surrendered to any such obligee.

(b) To obtain the appointment of a receiver of all or part of any redevelopment project of the agency and of the rents and profits from it. If a receiver is appointed, he may enter and take possession of the redevelopment project or any part of it, operate and maintain it, collect and receive all fees, rents, revenues, or other charges thereafter arising from it, and shall keep such money in separate accounts and apply it pursuant to the obligations of the agency as the court shall direct.

(c) To require the agency and its members and employees to account as if it and they were the trustees of an express trust.

Tax  
exemption

33934. The bonds are issued for an essential public and governmental purpose, and together with interest on them and income from them are exempt from all taxes.

Legal  
investments

33935. Notwithstanding any restrictions on investments contained in any laws, the State and all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, money, or other funds belonging to them or within their control in any bonds or other obligations issued by an agency. Such bonds and other obligations are authorized security for all public deposits. It is one of the purposes of this part to authorize any persons, firms, corporations, associations, political subdivisions, bodies and officers, public or private, to use any funds owned or controlled by them, including, but not limited to, sinking, insurance, investment,

retirement, compensation, pension, and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations. This part does not relieve any person, firm, or corporation from any duty of exercising reasonable care in selecting securities.

33936. All of the provisions of this article are subject to the limitations of Article 2. Limitations

#### Article 4. Taxation

(Article 4 added by Stats. 1951, Ch. 1411. Operation contingent upon approval by the people of Assembly Constitutional Amendment No. 55 proposed by the 1951 Regular Session of the Legislature)

33950. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in a redevelopment project each year by or for the benefit of the State of California, any city, county, city and county, district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving the redevelopment plan, shall be divided as follows: Taxes:  
Allocation

(1) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of said taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the county last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the project on said effective date); and

(2) That portion of said levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the redevelopment agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by such redevelopment agency to finance or re-finance, in whole or in part, such redevelopment project. Unless and until the total assessed valuation of the taxable property in a redevelopment project exceeds the total assessed value of the taxable property in such project as shown by the last equalized assessment roll referred to in paragraph numbered (1) hereof, all of the taxes levied and collected upon the taxable property



in such redevelopment project shall be paid into the funds of the respective taxing agencies. When said loans, advances, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(Added by Stats. 1951, Ch. 1411. Operation contingent upon approval by the people of Assembly Constitutional Amendment No. 55 proposed by the 1951 Regular Session of the Legislature.)

Pledge  
of tax  
revenues

33951. In any redevelopment plan or in the proceedings for the advance of moneys, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed, or otherwise) by the redevelopment agency to finance or refinance, in whole or in part, the redevelopment project, the portion of taxes mentioned in paragraph numbered (2) of Section 33950 may be irrevocably pledged for the payment of the principal of and interest on said loans, advances, or indebtedness.

(Added by Stats. 1951, Ch. 1411. Operation contingent upon approval by the people of Assembly Constitutional Amendment No. 55 proposed by the 1951 Regular Session of the Legislature.)

"Taxes"

33952. As used in this article the word "taxes" shall include, but without limitation, all levies on an ad valorem basis upon land or real property.

(Added by Stats. 1951, Ch. 1411. Operation contingent upon approval by the people of Assembly Constitutional Amendment No. 55 proposed by the 1951 Regular Session of the Legislature.)

Taxes on  
leased  
property

33953. Whenever property in any redevelopment project has been redeveloped and thereafter is leased by the redevelopment agency to any person or persons or whenever the agency leases real property in any redevelopment project to any person or persons for redevelopment, the property shall be assessed and taxed in the same manner as privately owned property, and the lease or contract shall provide that the lessee shall pay taxes upon the assessed value of the entire property and not merely upon the assessed value of his or its leasehold interest.

(Added by Stats. 1951, Ch. 1411. Operation contingent upon approval by the people of Assembly Constitutional Amendment No. 55 proposed by the 1951 Regular Session of the Legislature.)

Operative  
date

33954. This article shall become operative only if the people approve the constitutional amendment of the 1951 Regular Session of the Legislature adding Section 19 to Article XIII of the Constitution of the State and in such case at the same time as such constitutional amendment takes effect.

(Added by Stats. 1951, Ch. 1411. Operation contingent upon approval by the people of Assembly Constitutional Amendment No. 55 proposed by the 1951 Regular Session of the Legislature.)

## PART 2. HOUSING AUTHORITIES

## CHAPTER 1. HOUSING AUTHORITIES LAW

## Article 1. General Provisions

34200. This chapter may be cited as the Housing Authorities Law. Short title

34201. It is hereby declared: Declaration

(a) That there exist in the State insanitary or unsafe dwelling accommodations and that persons of low income are forced to reside in such accommodations; that within the State there is a shortage of safe or sanitary dwelling accommodations available at rents which persons of low income can afford and that such persons are forced to occupy overcrowded and congested dwelling accommodations; that these conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals, and welfare of the residents of the State and impair economic values; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities.

(b) That these slum areas cannot be cleared, nor can the shortage of safe and sanitary dwellings for persons of low income be relieved, through the operation of private enterprise, and that the construction of housing projects for persons of low income would therefore not be competitive with private enterprise.

(c) That the clearance, replanning, and reconstruction of the areas in which insanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which public money may be spent and private property acquired and are governmental functions of state concern; that it is in the public interest that work on such projects be commenced as soon as possible in order to relieve unemployment which now constitutes an emergency; and the necessity in the public interest for the provisions of this chapter is declared as a matter of legislative determination.

34202. Unless the context otherwise requires, the definitions contained in this article govern the construction of this chapter. Construction

34203. "Authority" means a public corporation created pursuant to this chapter. "Authority"

34204. "City" means any city or city and county. "City"  
"County" means any county. "County"

34205. "Governing body" means the city council in the case of a city or the board of supervisors in the case of a county. "Governing body"

34206. "Mayor" means the mayor of the city or the officer charged with the duties customarily imposed on the executive head of the city. "Mayor"

"Clerk"

34207. "Clerk" means the clerk of the city or of the county.

"Area of  
operation;"  
City  
authority

34208. "Area of operation," in the case of a city authority, includes the city and the area within five miles of its territorial boundaries. It does not include any area which lies within the territorial boundaries of another city unless the governing body of such other city has consented by resolution. It does not include any area which lies within the unincorporated area of any county for which an authority has been authorized to transact business. If a county authority becomes empowered to transact business and exercise its powers, a city authority empowered to transact business and exercise its powers in any of the unincorporated area of the county shall not initiate any further project within such unincorporated territory.

County  
authority

34209. "Area of operation," in the case of a county authority includes all of the county except the area within the territorial boundaries of any city for which an authority has been authorized to transact business. A county authority shall not operate in any city located in the county and in which an authority has not been authorized to transact business unless the consent of the city governing body has been obtained. If an authority of a city within a county becomes empowered to transact business and exercise its powers, a county authority empowered to transact business and exercise its powers has no power to initiate any further project within the territorial boundaries of the city.

"Federal  
Government"

34210. "Federal Government" means the United States, the Federal Emergency Administration of Public Works, or any other agency or instrumentality, corporate or otherwise, of the United States.

"Slum"

34211. "Slum" means any area where dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement, or design, lack of ventilation, light, or sanitary facilities, or any combination of these factors, are detrimental to safety, health, and morals.

"Housing  
project"

34212. "Housing project" means any work or undertaking to be financed in whole or in part by the Federal Government or to which the Federal Government extends assistance by supplying all or part of the labor, by guaranteeing the payment of liens, or otherwise, for any one or a combination of the following purposes:

(a) To demolish, clear, or remove buildings from any slum area. Such work or undertaking may embrace the adaptation of the area to public purposes, including parks or other recreational or community purposes.

(b) To provide decent, safe, and sanitary urban or rural dwellings, apartments, or other living accommodations for persons of low income. Such work or undertaking may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances,



streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare, or other purposes.

“Housing project” also includes the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration, and repair of the improvements, and all other work in connection therewith.

34213. “Persons of low income” means persons or families who lack the amount of income which is necessary, as determined by the authority undertaking the housing project, to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding.

34214. “Bonds” means any bonds, notes, interim certificates, debentures, or other obligations issued by the authority pursuant to this chapter.

34215. “Real property” includes all land, including improvements and fixtures on it, and property of any nature appurtenant to it, or used in connection with it, and every estate, interest, and right in it, including terms for years and liens by way of judgment, mortgage, or otherwise, and the indebtedness secured by such liens.

34216. “Obligee” includes any bondholder, trustee for any bondholders, or lessor demising to the authority property used in connection with a housing project, or any assignee of all or part of such lessor’s interest, and the Federal Government when it is a party to any contract with the authority.

34217. Execution or other judicial process shall not issue against the real property of an authority nor shall any judgment against an authority be a charge or lien upon its real property. This section does not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage of an authority or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an authority on its rents, fees, or revenues.

34218. Chapter 3, Division 5, Title 1, of the Government Code applies to any housing project under this chapter.

## Article 2. Creation of Housing Authorities

34240. In each county and city there is a public body corporate and politic known as the housing authority of the county or city. The authority shall not transact any business or exercise its powers unless, by resolution, the governing body of the county or city declares that there is need for an authority to function in it.

34241. The governing body may make the determination as to whether there is a need for an authority to function upon its own motion or upon the filing of a petition signed by 25 resi-

dents of the county or city asserting that there is need for an authority to function in the county or city and requesting that the governing body so declare.

**Resolution:** 34242. The governing body may adopt a resolution declaring that there is need for a housing authority if it finds either of the following:

(a) That insanitary or unsafe inhabited dwelling accommodations exist in the county or city.

(b) That there is a shortage of safe or sanitary dwelling accommodations in such county or city available to persons of low income at rentals they can afford.

**Factors for consideration** 34243. In determining whether dwelling accommodations are unsafe or insanitary the governing body may take into consideration:

(a) The degree of overcrowding.

(b) The percentage of land coverage.

(c) The light, air, space, and access available to the inhabitants of such dwelling accommodations.

(d) The size and arrangement of the rooms.

(e) The sanitary facilities.

(f) The extent to which conditions exist in such buildings which endanger life or property by fire or other causes.

**Effect** 34244. In any proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority is conclusively deemed to have been established and authorized to transact business and exercise its powers upon proof of the adoption of a resolution by the governing body declaring the need for the authority. The resolution is sufficient

**Sufficiency** if it declares that there is such need for an authority and finds in substantially the terms of Section 34242 that either or both of the conditions set forth in that section exist in the county or city. A copy of the resolution duly certified by the clerk is admissible in evidence in any proceeding.

**Evidence** 34245. If, after the lapse of two years after the adoption of the resolution the governing body finds that the authority has failed to transact any business or exercise any of its powers, it may adopt a resolution declaring that the authority shall not transact any business or exercise its powers under this chapter, and that the offices of the authority commissioners are vacated.

**Abandonment of authority** At any time thereafter the governing body may declare by resolution that there is need for an authority to function in the county or city, such determination to be made pursuant to this article.

**Resolution**

### Article 3. Officers and Employees

34270. When the governing body of a city adopts a resolution declaring the need for an authority, it shall promptly notify the mayor of the adoption. Upon receiving the notice and if his office is one filled by election by the people, the mayor shall appoint five persons as commissioners of the authority. If the office of mayor is not elective, the city governing body shall make the appointments.

Appointment  
of com-  
missioners

34271. When the governing body of a county adopts such a resolution it shall appoint five persons as commissioners of the authority.

Same

34272. Three of the commissioners first appointed shall be designated to serve for terms of one, two, and three years, respectively, from the date of their appointment, and two shall be designated to serve for terms of four years from the date of their appointments. Their successors shall be appointed for a term of four years except that all vacancies shall be filled for the unexpired term. No commissioner of an authority may be an officer or employee of the county or city for which the authority is created. A commissioner shall hold office until his successor has been appointed and has qualified.

Terms and  
qualifications

34273. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk and the certificate is conclusive evidence of the due and proper appointment of the commissioner.

Certificate  
of appoint-  
ment, etc.

34274. A commissioner shall not receive compensation for his services, but he is entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

Compensation

34275. The power of each authority is vested in the commissioners in office from time to time.

Power

34276. Three commissioners constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners, unless in any case the by-laws of the authority require a larger number.

Quorum

34277. The mayor of the city or the governing body of the county shall designate the first chairman from among the commissioners. The authority shall select his successor from among its commissioners.

Chairman

34278. An authority shall select from among its commissioners a vice chairman, and it may employ a secretary who shall be executive director, technical experts, and such other officers, agents, and employees, permanent and temporary, as it requires, and shall determine their qualifications, duties, and compensation.

Employees



Legal  
services

34279. For the legal services it requires, an authority may call upon the chief law officer of the city or the county or may employ its own counsel and legal staff.

Delegation  
of powers  
and duties  
Interest in  
projects, etc.

34280. An authority may delegate to one or more of its agents or employees the powers or duties it deems proper.

34281. A commissioner or employee of an authority shall not acquire any direct or indirect interest in any housing project or in any property included or planned to be included in any project, nor shall he have any direct or indirect interest in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project. If he owns or controls a direct or indirect interest in any such property, he shall immediately make a written disclosure of it to the authority and the disclosure shall be entered upon its minutes. Failure so to disclose his interest constitutes misconduct in office.

Removal

34282. For inefficiency, neglect of duty, or misconduct in office, a commissioner may be removed by the governing body of the county in the case of a county authority, or by the mayor, if he has the power of appointment of commissioners, otherwise, by the governing body of the city in the case of a city authority. A commissioner shall be removed only after he has been given a copy of the charges at least 10 days prior to the hearing on them and has had an opportunity to be heard in person or by counsel. If a commissioner is removed, a record of the proceedings and the charges and findings on them shall be filed in the office of the clerk.

#### Article 4. Powers and Duties of Housing Authorities

Powers

34310. An authority constitutes a corporate and politic public body, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out the purposes and provisions of this chapter.

Same

34311. An authority may:

- (a) Sue and be sued.
- (b) Have a seal and alter it.
- (c) Have perpetual succession.

(d) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(e) Make, amend, and repeal by-laws and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority.

Same

34312. Within its area of operation, an authority may:

(a) Prepare, carry out, acquire, lease, and operate housing projects.

(b) Provide for the construction, reconstruction, improvement, alteration, or repair of all or part of any housing project.

34313. Except where there existed on September 15, 1945, contracts for financial assistance between a housing authority and the Federal Government, no low-rent housing or slum-clearance project shall be developed, constructed, or owned by an authority after September 15, 1945, except after consultation with the school district in which the project is located, and until the governing body of the county or city in which it is proposed to develop, construct, or own the project, approves it by resolution.

Low-rent  
housing,  
etc.:  
Limitation

34314. An authority may arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or its occupants. Notwithstanding anything to the contrary contained in this chapter or in any other law, an authority may include in any contract let in connection with a project stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor and any conditions which the Federal Government has attached to its financial aid of the project.

Contracts,  
etc., for  
services

34315. An authority may:

Property

(a) Lease or rent any dwellings, houses, accommodations, lands, buildings, structures, or facilities embraced in any housing project and establish and revise the rents or charges for them.

(b) Own, hold, and improve real or personal property.

(c) Purchase, lease, obtain option upon, acquire by gift, grant, bequest, devise, or otherwise any real or personal property or any interest in property.

(d) Acquire any real property by eminent domain.

(e) Sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest in it.

(f) Insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards.

(g) Procure insurance or guarantees from the Federal Government of the payment of all or part of any debts, whether or not incurred by the authority, secured by mortgages on any property included in any of its housing projects.

34316. An authority may:

Investment  
of funds

(a) Invest any money held in reserves or sinking funds, or any money not required for immediate disbursement, in property or securities in which savings banks may legally invest money subject to their control.

(b) Purchase its bonds at a price not more than their principal amount and accrued interest; all bonds so purchased shall be canceled.

Investi-  
gations

34317. Within its area of operation, an authority may:

(a) Investigate into living, dwelling, and housing conditions and into the means and methods of improving such conditions.

(b) Determine where slum areas exist or where there is a shortage of decent, safe, and sanitary dwelling accommodations for persons of low income.

(c) Make studies and recommendations relating to the problem of clearing, replanning, and reconstructing of slum areas, and the problem of providing dwelling accommodations for persons of low income, and cooperate with the city, the county, the State or any of its political subdivisions in action taken in connection with such problems.

(d) Engage in research, studies, and experimentation on the subject of housing.

Same

34318. Acting through one or more commissioners or other person or persons designated by it, an authority may:

(a) Conduct investigations, hear testimony, and take proof under oath at public or private hearings on any matter material for its information.

(b) Administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers, and issue commissions for the examination of witnesses who are outside of the State, unable to attend before the authority, or excused from attendance.

(c) Make available to appropriate agencies, including those charged with the duty of abating nuisances or like conditions or of demolishing unsafe or insanitary structures within its area of operation, its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety, or welfare.

Additional  
powers

34319. An authority may exercise all or any part or combination of powers granted in Sections 34311 to 34318, inclusive.

Application  
of other  
laws

34320. No law concerning the acquisition, operation, or disposition of property by other public bodies is applicable to an authority unless the Legislature specifically so states.

Operation  
for profit  
prohibited

34321. It is declared to be the policy of the State that each authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with its providing decent, safe, and sanitary dwelling accommodations, and that no housing authority shall construct or operate any such project for profit, or as a source of revenue to the city or the county. To this end an authority shall fix the rentals for dwellings in its projects at no higher rates than it finds necessary to produce revenue which, together with all



other available money, income, and receipts of the authority, will be sufficient for all of the following:

(a) To pay, when due, the principal and interest on its bonds.

(b) To meet the cost of, and to provide for, maintaining and operating the projects, including the cost of any insurance, and the administrative expenses of the authority.

(c) During not less than the six years immediately succeeding its issuance of any bonds, to create a reserve sufficient to meet the largest principal and interest payments which will be due on such bonds in any one year thereafter and to maintain the reserve.

34322. In the operation or management of housing projects an authority shall: Tenant selection

(a) Rent or lease the dwelling accommodations only to persons of low income and only at rentals within their financial reach.

(b) Rent or lease to a tenant dwelling accommodations consisting of the number of rooms which it deems necessary to provide safe and sanitary accommodations to the occupants, without overcrowding.

(c) Reject any person as a tenant in any housing project if he has an annual net income in excess of five times the annual rental of the quarters to be furnished, except that in the case of families with three or more minor dependents, the ratio shall not exceed six to one. In computing the rental for this purpose, there shall be included in the rental the average annual cost, as determined by the authority, to occupants of heat, water, electricity, gas, cooking range, and other necessary services or facilities, whether or not the charge for them is included in the rental.

(d) Prohibit subletting by tenants.

34323. Nothing contained in Sections 34321 and 34322 shall be construed as limiting the power of an authority to vest in an obligee the right, in the event of a default by the authority, to take possession of a housing project, cause the appointment of a receiver for it, or acquire title to it through foreclosure proceedings, free from all the restrictions imposed by such sections. Construction

34324. Two or more authorities may join or cooperate in the exercise of the powers conferred by this chapter for the purpose of financing, planning, undertaking, constructing, or operating housing projects located within the area of operation of any one or more of the authorities. Cooperation

34325. Pursuant to the Code of Civil Procedure an authority may acquire by eminent domain any real property which it deems necessary for its purposes under this chapter after the Eminent domain

adoption by it of a resolution declaring that the acquisition of the real property described in it is necessary for such purposes. Property already devoted to a public use may be acquired by eminent domain, but real property belonging to the city, the county, the State, or any of its political subdivisions shall not be acquired without its consent.

Application  
of planning,  
etc., laws

34326. All housing projects are subject to the planning, zoning, sanitary, and building laws, ordinances, and regulations applicable to the locality in which the housing project is situated. In the planning and location of any housing project, an authority shall take into consideration the relationship of the project to any larger plan or long-range program for the development of the area in which it functions.

Aid from  
Federal  
Government

34327. An authority may:

(a) Borrow money or accept grants or other financial assistance from the Federal Government for or in aid of any housing project within its area of operation.

(b) Take over, lease, or manage any housing project or undertaking constructed or owned by the Federal Government.

(c) For these purposes, comply with such conditions and enter into any mortgages, trust indentures, leases, or agreements necessary, convenient, or desirable.

It is the purpose and intent of this chapter to authorize every authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the Federal Government in the undertaking, construction, maintenance, or operation of any housing project by an authority.

Reports

34328. At least once a year, an authority shall file with the clerk a report of its activities for the preceding year and make recommendations with reference to additional legislation or other action which it deems necessary to carry out the purposes of this chapter.

## Article 5. Bonds

Issuance

34350. An authority may issue bonds for any of its corporate purposes. An authority may also issue refunding bonds for the purpose of paying or retiring bonds previously issued by it.

Types

34351. An authority may issue such types of bonds as it determines, including bonds on which the principal and interest are payable:

(a) Exclusively from the income and revenues of the housing project financed with the proceeds of the bonds, or with such proceeds together with a grant from the Federal Government in aid of the project.

(b) Exclusively from the income and revenues of certain designated housing projects whether or not they were financed in whole or in part with the proceeds of the bonds.

(c) From its revenues generally.

34352. Any of the bonds may be additionally secured by a pledge of any revenues or a mortgage of any housing project or other property of the authority. Additional security

34353. Neither the commissioners of an authority nor any person executing the bonds are liable personally on the bonds by reason of their issuance. The bonds and other obligations of an authority are not a debt of the city, county, State, or any of its political subdivisions and neither are they liable on the bonds, nor are the bonds or obligations payable out of any funds or properties other than those of the authority; and the bonds shall so state on their face. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation. Exemption from liability

34354. By resolution, an authority may authorize bonds. The resolution, its trust indenture, or mortgage may provide for: Bond provisions

- (a) The issuance of bonds in one or more series.
- (b) The date the bonds shall bear.
- (c) The date of maturity.
- (d) The interest rate, not exceeding four and one-half percent ( $4\frac{1}{2}\%$ ) a year.
- (e) The denomination of the bonds.
- (f) The form of the bonds, either coupon or registered.
- (g) The conversion or registration privileges which the bonds shall carry.
- (h) The rank or priority of the bonds.
- (i) The manner of execution of the bonds.
- (j) The medium of payment in which the bonds are payable.
- (k) The place of payment.
- (l) The terms of redemption, with or without premium.

34355. The bonds may be sold at not less than par at public sale. At least five days prior to the sale, notice shall be published once in a newspaper having a general circulation in the city or the county and in a financial newspaper published in the City and County of San Francisco or in the City of Los Angeles. The bonds may be sold at not less than par to the Federal Government at private sale without any public advertisement. Public sale  
Notice

34356. If any authority commissioner or officer whose signature appears on bonds or coupons ceases to be commissioner or officer before delivery of the bonds, his signature is as effective as if he had remained in office. Bonds issued pursuant to this chapter are fully negotiable. Effect of signature

34357. In any proceedings involving the validity or enforceability of any bond or its security, any such bond reciting in substance that it has been issued by the authority to aid in financing a housing project to provide dwelling accommodations for persons of low income is conclusively deemed to have been issued for a housing project of such character and the project is conclusively deemed to have been planned, located, and constructed pursuant to this chapter. Effect of recitals



Powers of  
authority:

34358. In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of the bonds or obligations, an authority has the powers conferred by Sections 34359 to 34365, inclusive.

34359. An authority may:

Pledges

(a) Pledge all or any part of its gross or net rents, fees, or revenues to which its right then exists or may thereafter come into existence.

Mortgages

(b) Mortgage all or any part of its real or personal property then owned or thereafter acquired.

Covenants

34360. An authority may:

(a) Covenant against pledging all or part of its rents, fees, and revenues, against mortgaging all or part of its real or personal property, to which its right or title then exists or may thereafter come into existence, or against permitting or suffering any lien on such revenues or property.

(b) Covenant with respect to limitations on its right to sell, lease, or otherwise dispose of all or part of any housing project.

(c) Covenant as to what other or additional debts or obligations may be incurred by it.

(d) Covenant as to the bonds to be issued, as to their issuance in escrow or otherwise, and as to the use and disposition of the bond proceeds.

(e) Provide for the replacement of lost, destroyed, or mutilated bonds.

(f) Covenant against extending the time for the payment of its bonds or interest on them.

(g) Redeem the bonds, covenant for their redemption, and provide the redemption terms and conditions.

Same

34361. An authority may:

(a) Covenant as to the rents and fees to be charged in the operation of a housing project, the amount to be raised each year or other period of time by rents, fees, and other revenues, and as to their use and disposition.

(b) Create or authorize the creation of special funds for money held for construction or operating costs, debt service, reserves, or other purposes, and covenant as to the use and disposition of the money held in the funds.

Procedure

34362. An authority may prescribe procedure by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds whose holders are required to consent, and the manner in which consent may be given.

Covenants

34363. An authority may:

(a) Covenant as to the use of any or all of its real or personal property.

(b) Covenant as to the maintenance of its real and personal property, its replacement, the insurance to be carried on it, and the use and disposition of insurance money.

(c) Covenant as to the rights, liabilities, powers, and duties arising upon the breach by it of any covenant, condition, or obligation.

(d) Covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

34364. An authority may :

Trustees

(a) Vest in a trustee or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds.

(b) Vest in a trustee the right, in the event of a default by the authority, to take possession and use, operate, and manage all or part of any housing project, to collect the rents and revenues arising from it, and to dispose of the money pursuant to the agreement of the authority with the trustee.

(c) Provide for the powers and duties of a trustee and limit his liabilities.

(d) Provide the terms and conditions upon which the trustee or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds.

34365. An authority may exercise all or any part or combination of the powers granted in Sections 34359 to 34364, inclusive, and make covenants other than the covenants expressly authorized in such sections, of like or different character. An authority may make covenants and do any and all acts and things necessary, convenient, or desirable to secure its bonds, or which will tend to make them more marketable notwithstanding that such covenants, acts, or things are not enumerated in this chapter.

Additional powers

34366. Any authority may submit to the Attorney General any bonds to be issued pursuant to this chapter after all proceedings for their issuance have been taken. Upon such submission the Attorney General shall examine into and pass upon the validity of the bonds and the regularity of all proceedings in connection with them. If the proceedings conform to this chapter and are otherwise regular in form and if the bonds when delivered and paid for will constitute binding and legal obligations of the authority enforceable according to their terms, the Attorney General shall certify in substance upon the back of each bond that it is issued in accordance with the Constitution and state laws.

Certification of validity by Attorney General

34367. Subject only to any contractual restrictions binding upon him, an obligee may :

Rights of obligee

(a) By proper proceeding compel the authority and its commissioners, officers, agents, or employees to perform each and every provision contained in any contract of the authority with or for his benefit, and require the carrying out of any or all the covenants and agreements of the authority and the fulfillment of all duties imposed upon it by this chapter.

(b) By proper proceeding enjoin any acts or things which may be unlawful, or the violation of any of his rights by the authority.

Obligees  
holding  
bonds

34368. By its resolution, trust indenture, mortgage, lease, or other contract an authority may confer upon any obligee holding or representing a specified amount in bonds, or holding a lease, the following rights to be exercised upon the happening of an event of default defined in the resolution or instrument, by proceeding in any court of competent jurisdiction:

(a) To cause possession of all or part of any housing project to be surrendered to him.

(b) To obtain the appointment of a receiver of all or part of any housing project and of the rents and profits from it. If the receiver is appointed, he may enter and take possession of the housing project or the part of it, operate and maintain it, collect and receive all fees, rents, revenues, or other charges thereafter arising from it, and keep such money in a separate account and apply it pursuant to the obligations of the authority as the court directs.

(c) To require the authority and its commissioners to account as if it and they were the trustees of an express trust.

## CHAPTER 2. HOUSING COOPERATION LAW

Short title

34500. This chapter may be cited as the Housing Cooperation Law.

Declaration  
of necessity

34501. It has been found and declared in the Housing Authorities Law that there exist in the State unsafe and insanitary housing conditions and a shortage of safe and sanitary dwelling accommodations for persons of low income; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities; and that the public interest requires the remedying of these conditions. It is found and declared that:

(a) The assistance provided for in this chapter for the remedying of the conditions set forth in the Housing Authorities Law constitutes a public use and purpose and an essential governmental function for which public money may be spent and other aid given.

(b) It is a proper public purpose for any state public body to aid any housing authority operating within its boundaries or jurisdiction or any housing project located therein, as the state public body derives immediate benefits and advantages from such an authority or project.

(c) The provisions of this chapter are necessary in the public interest.

Supple-  
mental  
powers

34502. The powers conferred by this chapter are supplemental to the powers conferred by any other law.



34503. Unless the context otherwise requires the definitions contained in the following sections govern the construction of this chapter. Construction

34504. "Housing authority" means any housing authority created pursuant to the Housing Authorities Law. "Housing authority"

34505. "Housing projects" means any work or undertaking of a housing authority pursuant to the Housing Authorities Law or any similar work or undertaking of the Federal Government. "Housing projects"

34506. "State public body" means any city, county, borough, commission, district, authority, or other subdivision or public body of the State. "State public body"

34507. "Governing body" means the council, board of supervisors, board of trustees, or other body having charge of the fiscal affairs of the state public body. "Governing body"

34508. "Federal Government" means the United States, the Federal Emergency Administration of Public Works, or any other agency or instrumentality, corporate or otherwise, of the United States of America. "Federal Government"

34509. For the purpose of aiding and cooperating in the planning, undertaking, construction, or operation of housing projects located within the area in which it is authorized to act, any state public body may exercise the powers prescribed in Sections 34510 to 34518, inclusive, upon such terms, and with or without consideration, as it may determine. Powers of state public body

34510. A state public body may dedicate, sell, convey, or lease any of its property to a housing authority or the Federal Government. Disposition of property

34511. A state public body may cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with housing projects. Parks, etc.

34512. A state public body may furnish, dedicate, close, pave, install, grade, regrade, plan, or replan streets, roads, roadways, alleys, sidewalks, or other places which it is otherwise empowered to undertake. Roads, etc.

34513. A state public body may:

Zoning, etc.

(a) Plan or replan, zone or rezone any part of its territory.

(b) Make exceptions to building regulations and ordinances.

34514. Any city or city and county also may change its map. Change of map by city, etc.

34515. A state public body may enter into agreements with a housing authority or the Federal Government respecting action to be taken by the state public body pursuant to this chapter. Notwithstanding any law to the contrary, the agreements may extend over any period of time. Powers of state public body

34516. A state public body may:

Same

(a) Do any and all things, necessary or convenient, to aid and cooperate in the planning, undertaking, construction, or operation of such housing projects.

(b) Purchase or legally invest in any of the bonds of a housing authority and exercise all of the rights of any holder of the bonds.

Acquisition  
from  
Federal  
Government

34517. With respect to any housing project which a housing authority has acquired or taken over from the Federal Government and which the housing authority by resolution has found and declared to have been constructed in a manner that will promote the public interest and afford necessary safety, sanitation, and other protection, a state public body shall not require any changes to be made in the housing project or the manner of its construction or take any other action relating to its construction.

Expense  
of public  
improvement

34518. A state public body may incur the entire expense of any public improvements made by it in exercising the powers granted in this chapter. Any law to the contrary notwithstanding, a state public body may make any sale, conveyance, lease, or agreement provided for in Sections 34510 to 34517, inclusive, without appraisal, public notice, advertisement, or public bidding.

Contracts  
for services

34519. In connection with any housing project located wholly or partly within the area in which it is authorized to act, any state public body may contract with a housing authority or the Federal Government with respect to the sum which it may agree to pay during any period to the state public body for the improvements, services, and facilities to be furnished by it for the benefit of the housing project. The amount of the payments shall not exceed the estimated cost to the state public body of the improvements, services, or facilities to be furnished. The absence of a contract for such payments does not relieve any state public body from the duty to furnish for the benefit of the housing project the customary improvements and the services and facilities it usually furnishes without a service fee.

Appropriations  
to  
housing  
authorities

34520. When any housing authority created for any city or county becomes authorized to transact business and exercise its powers, the governing body of the city or county shall immediately make an estimate of the amount necessary for the administrative expenses and overhead of the housing authority during its first year, and may appropriate the amount to the authority as a loan or donation. Any city or county located wholly or partially within the area of operation of a housing authority may lend or donate money to the authority or agree to do so. When it has money available, the housing authority shall make reimbursements for all such loans made to it.

Procedure for  
exercising  
powers

34521. The exercise by a state public body of the powers granted in this chapter may be authorized by resolution of its governing body adopted by a majority of the members present at a meeting. The resolution may be adopted at the meeting at which it is introduced. The resolution shall take effect immediately and need not be laid over, published, or posted.

## PART 3. HOUSING CORPORATIONS

## CHAPTER 1. LIMITED DIVIDEND HOUSING CORPORATIONS LAW

## Article 1. General Provisions

34800. This chapter may be cited as the Limited Dividend Housing Corporations Law. Short title

34801. Unless the context otherwise requires, the definitions contained in this article govern the construction of this chapter. Construction

34802. "Commission" means the Commission of Housing. "Commission"

34803. "Corporation" means limited dividend housing corporation formed pursuant to this chapter. "Corporation"

34804. "Actual cost" means the cost of the land and buildings, charges for financing and supervision, and carrying charges during construction, including interest on borrowed money and invested capital, when such charges have been approved by the commission. "Actual cost"

34805. "Fixed charges" includes all operating and maintenance charges, taxes, assessments, insurance and depreciation, amortization, interest, sinking fund, and other expenses and charges approved by the commission. "Fixed charges"

34806. "Security" includes any share, stock, bond, note, treasury stock, debenture, evidence of indebtedness, certificate of interest or participation, or beneficial interest in title to property, profits, or earnings, or any other instrument commonly known as a security. "Security"

34807. "Slum area" means any area of property partially or totally occupied by deteriorated, obsolete, unsafe, or unsanitary single or multiple dwellings. The determination of whether any building is in such condition rests solely with the commission. "Slum area"

34808. Any notice or other written instrument may be served upon the commission by delivering it to the chairman, vice chairman, or secretary of the commission, or, if none of them can be found, by leaving a copy at the office or usual place of business of the commission with the person in charge. Service on commission

34809. If any city in which a project approved by the commission is located determines that any land included in the project should be maintained as a public park or grounds, the city may purchase or accept the land and maintain it as a public park or grounds. Any city may also determine that any of its real property is not required for use by it and sell or lease the property to a corporation. Any charter provision inconsistent with this section prevails. Public park land

## Article 2. Formation of Limited Dividend Housing Corporations

34830. Corporations may be formed pursuant to this chapter for the purpose of providing housing for families of low income or reconstructing slum areas. Formation



**Laws applicable** 34831. The laws relating to corporations generally are applicable to limited dividend housing corporations unless they are inconsistent with this chapter.

**Certificate of approval** 34832. Before the articles of incorporation of a corporation may be filed in the office of the Secretary of State, there shall be attached to them a certificate of the commission approving them.

**Additional requirements** 34833. In addition to other requirements of law, the articles shall set forth:

(a) That one of the purposes for which the corporation is formed is that of providing housing for families of low income or of reconstructing slum areas.

(b) The par value of all shares of capital stock of the corporation. All shares shall have a par value.

(c) That the corporation will be subject to supervision and control of the commission or other appropriate state authority, and subject to the State Housing Law and this chapter.

### Article 3. Powers and Duties of Limited Dividend Housing Corporations

**Powers and duties:** 34860. When authorized by the commission, a corporation may:

(a) Borrow money from, or sell, pledge, or discount its securities to, the Reconstruction Finance Corporation, Federal Home Loan Bank, or any other corporation or agency established by the United States.

(b) Comply with the provisions for membership and become a member of the Federal Home Loan Bank or any other corporation or agency established by the United States.

(c) Comply with any regulations of the Reconstruction Finance Corporation.

**Acquiring real property** 34861. A corporation shall not acquire any real property or interest in it without first obtaining from the commission a certificate approving the acquisition.

**Sale, etc., of real property** 34862. Without the prior approval of the commission, a corporation shall not sell, transfer, assign, or lease any real property to any person, except that leases conforming to the regulations of the commission may be made without its consent.

**Rental fees, etc.** 34863. A corporation shall not charge or accept any rental, fee, or other charge for housing accommodations in any building constructed, acquired, operated, sold, or managed by it in excess of the prices prescribed by the commission.

**Mortgaging, etc., realty** 34864. Without the prior consent of the commission, a corporation shall not mortgage or otherwise encumber real property. It shall not pay interest on such encumbrance in excess of an amount permitted by the commission.

**Use of buildings** 34865. A corporation shall not use any building erected or acquired by it for other than housing purposes, except that:

(a) When permitted by law, and consented to by the commission, the cellar and basement and the story above the cellar

or basement may be used for stores, commercial, cooperative, or community purposes.

(b) When permitted by law the roof of the building may be used for cooperative or community purposes.

34866. A corporation shall not enter into contracts for the construction of housing projects or for the payment of salaries to officers or employees until the contracts have been approved by the commission. Contracts

34867. A corporation shall not effect any reorganization, unless authorized by the commission. Reorganization

34868. A corporation shall not voluntarily dissolve or transfer all or substantially all of its assets without first obtaining the consent of the commission. Voluntary dissolution, etc.

34869. A corporation shall not make any guaranty without the approval of the commission. Guaranty

34870. Any purchase, conveyance, contract, encumbrance, lease, or sublease made in violation of this chapter and any transfer or assignment of them is void. Effect of violation

34871. A corporation shall not start or undertake a housing project without the approval of the commission. Approval of project

34872. The commission shall not approve a housing project unless: Conditions of approval

(a) It appears practicable to rent or sell the proposed housing accommodations at prices not exceeding those prescribed by the commission.

(b) The project conforms to the zoning or building ordinance of the locality where it is located.

(c) There is submitted to and approved by the commission a financial plan in the form and with the assurances prescribed by the commission stating the method of making funds available for the actual cost of the land and improvements. The plan may also provide for the raising of working capital through the sale of its securities in an amount to be approved by the commission, not to exceed 5 percent of the estimated cost of the project.

34873. The commission shall not approve a housing project unless there is submitted to and approved by the commission, plans setting forth: Same

(a) The area and location of the project.

(b) Plans of site development with plans, elevations, and perspective of typical houses and groups of houses.

(c) Specifications and estimates of cost of the project.

(d) A reasonable scheme of protective restrictions and of permanent maintenance of neighborhood and architectural control.

34874. When the commission has approved a project of a corporation formed for the sole purpose of clearing or reconstructing slum areas, the corporation may acquire the property necessary for the project by gift, bequest, purchase, or eminent domain. Acquisition of property

**Eminent domain** 34875. The power of eminent domain shall not be exercised by a corporation except with the specific authorization of the commission.

**Authorization certificate** 34876. The authorization shall be contained in a certificate of the commission specifying that after public hearing the commission has determined that the acquisition of the property by eminent domain and the construction of the housing on the property is in the public interest and necessary for the public use.

**Notice and hearing** 34877. The hearing shall be held at a time and place appointed by the commission. At least 10 days prior to the hearing the corporation shall give notice of the hearing by publication in a newspaper designated by the commission and published or circulated in the city or county where the property is located.

**Certificate as evidence** 34878. A duly certified copy of the certificate of the commission is conclusive evidence of the matters certified in it in any proceeding in eminent domain to acquire property or any part of it set forth in the certificate.

**Declaration** 34879. It is declared that congested, unsafe, and unsanitary housing conditions which exist in certain slum areas of this State are a menace to the health, safety, morals, and reasonable comfort of the residents of this State. The correction of these conditions is a public necessity and the acquisition of property necessary to permit the clearance and reconstruction of slum areas is declared to be a public use within the meaning of the laws relating to proceedings in eminent domain.

#### Article 4. Powers and Duties of the Commission of Housing

**Regulation of corporations: Improve-ments** 34900. The commission may order any corporation to make at its expense the repairs and improvements which will preserve or promote the health and safety of the occupants of buildings owned or operated by it.

**Ordering compliance, etc., with laws** 34901. The commission may order any corporation to do acts necessary to comply with, or to refrain from doing acts in violation of, law, regulations of the commission, or the terms of any project approved by the commission.

**Examination** 34902. The commission may examine the corporation and keep informed as to its general condition, its capitalization, and the manner in which its property is constructed, leased, sold, operated, or managed.

**Investigation** 34903. The commission may investigate the affairs of a corporation and its dealings, transactions, or relationships with other persons.

**Inspection** 34904. Either through its members or agents duly authorized by it, the commission may enter upon and inspect the property, equipment, buildings, plants, offices, apparatus, and devices of a corporation, and examine all of its books, contracts, records, documents, and papers.

**Prescribing accounting, etc., procedure** 34905. The commission may prescribe uniform methods and forms of keeping corporation accounts, records, and books



and by order prescribe accounts in which particular outlays and receipts shall be entered, charged, or credited.

34906. The commission may require a corporation to file with it periodic reports setting forth information required by the commission, verified by the oath of the president, general manager, receiver, or other person required to file it. The report shall be in the form, cover the period, and be filed at the time prescribed by the commission. The commission may require specific answers to questions upon which it desires information.

Requiring  
reports

34907. The commission may make, amend, and repeal regulations for carrying this chapter into effect.

Making, etc.,  
regulations

34908. The commission may conduct any investigation provided for by this chapter or appoint a person or committee of one or more commission members to do so.

Investiga-  
tions

34909. To carry out the purposes of this chapter, each member of the commission has the powers conferred upon the head of a department by Article 2, Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

Power of  
members

34910. The commission may charge and collect from a corporation reasonable fees in accordance with rates established by the regulations of the commission:

Fees

(a) For the examination of plans and specifications and the supervision of construction, in an amount not to exceed one-half of 1 percent of the estimated cost of the project.

(b) For any investigation made upon application of a corporation for any act done by the commission, or its employees, in performance of their duties under this chapter, an amount reasonably calculated to meet the expenses of the commission incurred in the investigation. The commission may authorize a corporation to include such fees as part of the actual cost of a project.

34911. The commission shall fix and may revise the maximum rental per room charged the tenants of the housing accommodations furnished by the corporation, determined upon the basis of the actual cost of the project so that the rentals and all other income of the corporation will be sufficient to meet all fixed charges, dividend and interest requirements, and other charges of the corporation approved by the commission.

Fixing  
rentals

34912. The commission shall fix the price, terms of payment, rate of interest on deferred payments, and all other charges. The sale price shall be determined upon the basis of actual cost of the project so that the income from sales with other income of the corporation will be sufficient to meet and repay the actual cost and fixed charges. Such prices, interest, and other charges may be revised with the approval of the commission.

Fixing  
charges

34913. The commission shall make reasonable rules regarding the resale, leasing, or subletting of property after a sale by the corporation, to prevent undue speculation in the property. The rules shall be in effect until the full purchase price and all outstanding obligations have been paid to the corporation.

Rules  
regarding  
resale, etc.

Consolidation, etc., of project

34914. Upon application submitted in the manner required for the original project, the commission may permit the consolidation of two or more approved projects, the extension or amendment of any approved project, or the consolidation of any approved project with a proposed project. The commission shall not give its consent unless it is shown to its satisfaction that the consolidated or extended project is one that can be successfully operated pursuant to this chapter. The permissible rents, sales prices, and other charges may be average throughout the consolidated or extended project. The commission may likewise permit or decline to permit any corporation to organize and operate more than one project or to take over any project approved by the commission and to operate it independently of its other projects.

Action against corporation

34915. The commission may bring a proceeding against any corporation to enforce the provisions of this chapter or of any order, permit, license, demand, or requirement of the commission, or to restrain their violation or threatened violation or compel the performance of any act required by them. The proceeding shall be brought in the name of the people of the State of California, in the superior court of the county in which the corporation has its principal place of business.

Review of order, etc.

34916. Every order, decision, permit, or other official act of the commission is subject to review pursuant to law within 20 days after its rendition. The burden of proof lies upon the appellant and the court shall receive and consider any pertinent oral or documentary evidence concerning the action of the commission under review. The court shall consider and determine only the question of whether there has been an abuse of discretion by the commission.

Foreclosure proceedings

34917. If a mortgagee, trustee, or beneficiary commences foreclosure proceedings under a mortgage or deed of trust, a copy of the complaint or notice of breach and intention to sell shall be served upon the commission within 30 days of the filing of the complaint or the recording of the notice. Upon receipt of the copy, the commission shall immediately take the steps it deems necessary to protect the rights of all parties. If a limited dividend housing corporation bids and pays for the property at any sale in such action or under such power of sale a price sufficient to cover court costs and all liens or charges on the property, with interest, the property shall be sold to such corporation; otherwise the property may be sold free of all restrictions imposed by this chapter.

Same: Notice to commission

34918. When a corporation subject to the supervision of the Division of Banking or the Division of Insurance in the Department of Investment, or the Federal Government or any of its agencies has loaned on a mortgage or deed of trust which is a lien upon the property of a limited dividend housing corporation, Section 34917 does not apply, except that the commission shall be notified of any foreclosure proceedings and shall take all steps necessary to protect the rights of all parties.

34919. In the event of a judgment against a corporation in any action not pertaining to the collection of an indebtedness secured by mortgage or deed of trust, there shall not be a sale of any of its real property except upon 60 days' written notice to the commission. Upon receipt of such notice the commission shall take such steps as in its judgment are necessary to protect the rights of all parties.

Judgment  
against  
corporation

### Article 5. Financial Provisions

34940. A stockholder in a corporation shall not receive or accept from the corporation in the repayment of his investment in its stock any sum in excess of the par value of the stock, current dividends not to exceed 6 percent a year of its par value, and any cumulative dividends to which he is entitled.

Dividends  
limited

34941. If required by the commission, the corporation shall deposit all money received by it as proceeds of the sale of its securities with a corporation in the State authorized to do trust business and to perform trust functions. The trustee shall receive the money and make payment from it for the acquisition of the land, the construction of improvements, and other items entering into the actual cost of the project upon presentation of an order signed by a proper corporation officer, and if required by the commission, countersigned by a commission member or a person designated by the commission. If upon the completion of the project the corporation has made full payment, or has arranged for payment in a manner satisfactory to the commission, any money remaining in the custody of the trustee shall be paid to the corporation.

Disposition  
of proceeds

34942. The amount of net earnings transferable to surplus in any year, after making or providing for the payment of all fixed charges, dividend, and interest requirements approved by the commission, and other charges required or approved by the commission, is subject to the approval of the commission. The amount of such surplus shall not exceed 15 percent of the outstanding capital stock and obligation of the corporation, but the surplus shall not be deemed to include any increase in assets due to reduction of mortgage or bonded indebtedness or other similar payments. Unless the commission deems it too small, the balance of yearly net earnings in excess of the amount transferred to surplus shall be applied to the reduction of rentals on rental properties, the improvement of properties for sale, or the reduction of the sale price, as the commission prescribes.

Net earnings,  
surplus

34943. The provisions of the Corporate Securities Law not inconsistent with this chapter apply to a corporation formed under this chapter.

Corp. C.,  
§25000, ff.

34944. Before the Corporation Commissioner issues a permit for the sale of any securities there shall be on file with him a certificate of the commission approving the project.

Sale of  
securities:  
Permit

34945. A corporation shall not:

Restrictions

(a) Pay any dividends on its shares of stock at a rate in excess of 6 percent of their par value.



(b) Issue securities covering any project in an aggregate amount greater than the actual cost of the project, plus an allowance for working capital, not exceeding 5 percent of the estimated cost of the project or the actual cost if it is greater than the estimated cost.

(c) Issue securities except in exchange for money or property actually received for the use and lawful purpose of a corporation, or for services actually rendered to a corporation; securities shall not be issued for property except upon a valuation approved by the commission, and such valuation shall be used in computing actual or estimated costs.

**Bond issues** 34946. Each authorized issue of bonds shall relate to one specific project and shall be secured by mortgages or deeds of trust upon all the real property of which the project consists, except where units of the project are to be offered for sale, upon the approval of the commission, bonds may be issued in an amount to cover each unit of sale or to cover the entire project and may be paid off at any time.

**Permissive provisions** 34947. The bonds, mortgages, or deeds of trust may contain provisions approved by the commission including the right to assignment of rentals and entry into possession in case of default, but the operation of the housing projects after entry by mortgagees, trustees, or receivers is subject to regulation by the commission pursuant to this chapter.

**Lien** 34948. The mortgages or trust deeds may create a first lien and a second lien upon all the real property embraced under the project.

## CHAPTER 2. COMMUNITY LAND CHEST LAW

### Article 1. General Provisions

**Short title** 35100. This chapter may be cited as the Community Land Chest Law.

**Construction** 35101. Unless the context otherwise requires, the definitions contained in this article govern the construction of this chapter.

**"Commissioner"** 35102. "Commissioner" means the Commissioner of Corporations of the Division of Corporations, Department of Investment.

**"Actual cost"** 35103. "Actual cost" means the cost of the land and buildings, charges for financing and supervision, and carrying charges during construction, including interest on borrowed money and invested capital.

**"Fixed charges"** 35104. "Fixed charges" includes all operating and maintenance charges, taxes, assessments, insurance and depreciation, amortization, interest, sinking fund, and other expenses and charges.

**"Security"** 35105. "Security" includes any stock, bond, note, treasury note, debenture, evidence of indebtedness, certificate of interest or participation, profit sharing agreement or certificate of interest in it, collateral trust certificate, transferable share, investment contract, or other instrument commonly known as a

security. It does not include mortgages, trust deeds, bills of exchange, trade acceptances, promissory notes, or other commercial paper, issued or given in the ordinary course of business, and not offered for sale to the public or not sold to an underwriter for the purpose of resale.

35106. "Corporation" means land chest corporation formed pursuant to this chapter. "Corporation"

35107. A corporation having shares of capital stock, or any of its agents or officers, shall not use or permit to be used as part of the corporate name of the corporation the words "land chest" or "community land chest." Every nonprofit corporation organized before or after May 25, 1933, having as any part of its corporate name the words "land chest" or "community land chest" is subject to this chapter and shall not transact any business in the State unless it has complied with this chapter. Corporate name

35108. Every person violating any of the provisions of this chapter is guilty of a misdemeanor. Penalty

## Article 2. Formation of Land Chest Corporations

35130. Pursuant to this chapter corporations may be formed for the purpose of providing housing in rural and suburban areas for families of low income. Corporations

35131. The laws relating to nonprofit corporations generally apply to corporations formed under this chapter, except where inconsistent with the provisions of this chapter. Law applicable

35132. Before the articles of incorporation of any corporation may be filed in the office of the Secretary of State, there shall be attached to them a certificate of the commissioner approving them. Approval by commissioner

35133. In addition to other requirements of law, the articles of incorporation shall set forth: Articles of incorporation

(a) That the corporation is formed wholly for the purpose of providing housing in rural and suburban areas for families of low income.

(b) That the corporation will be subject to the supervision and control of the Commissioner of Corporations or other appropriate state authority and subject to this chapter.

(c) That upon liquidation or dissolution of the corporation any surplus remaining after the payment of debts and obligations and the repayment to the corporation members of the respective amounts of their subscriptions, contributions, fees, dues, and assessments, will revert to the State.

## Article 3. Powers and Duties of Land Chest Corporations

35160. A corporation may:

(a) Borrow money from, or sell, pledge, or discount its securities, or mortgage, pledge, or otherwise hypothecate its property to, the Reconstruction Finance Corporation, Federal Home Loan Bank, or any other corporation or agency established by the United States or the State. Powers and duties

(b) Comply with the provisions for membership and become a member of the Federal Home Loan Bank or of any

other corporation or agency established by the United States or the State.

(c) Comply with any regulations of the Reconstruction Finance Corporation.

Approval  
of projects

35161. A corporation shall not start or undertake a housing project without the approval of the commissioner.

Requirements

35162. The commissioner shall not approve a housing project unless:

(a) It appears practicable to rent or sell the proposed housing accommodations at rentals or sales prices not exceeding those prescribed by the commissioner.

(b) The project conforms to any zoning or building ordinance of the locality where it is located.

(c) There is submitted to and approved by the commissioner a financial plan in the form prescribed by him setting forth the method of making money available for the actual cost of the land and improvements, and the cost of organization, administration, maintenance, and operation.

Same

35163. The commissioner shall not approve a housing project unless there is submitted to and approved by him plans setting forth:

(a) The area and location of the project.

(b) Plans of development.

(c) Estimates of cost of the project.

(d) Estimated rentals and selling prices of properties to be rented or sold, terms of payment, and interest rates upon deferred payments.

Acts  
prohibited

35164. Except pursuant to the regulations of the commissioner or, if there is none, with his approval, a corporation shall not:

(a) Acquire any real property or interest in it.

(b) Sell, transfer, assign, or lease any real property to any person.

(c) Charge or accept any rental, fee, or other charge for housing accommodations in any building constructed, acquired, operated, sold, or managed by it.

(d) Mortgage or otherwise encumber any real property.

(e) Use any building erected or acquired by it for other than housing and incidental purposes.

(f) Enter into contracts for the construction of housing projects or for the payment of salaries to officers or employees.

(g) Effect any reorganization.

(h) Voluntarily dissolve or transfer all or substantially all of its assets.

(i) Make any guaranty.

Effect of  
violation

35165. Any purchase, conveyance, contract, encumbrance, lease, or sublease made in violation of this chapter and any transfer or assignment of them is void.

Liquidation,  
etc.

35166. If a corporation is liquidated or dissolved, its assets remaining after paying or adequately providing for its debts and obligations shall be distributed to its members to the extent of the payments of contributions, subscriptions, fees,



dues, and assessments paid to it by each member, without interest or profit. The remainder of the assets revert to the State.

#### Article 4. Powers and Duties of the Commissioner of Corporations

35190. The commissioner may make, amend, and repeal regulations for carrying this chapter into effect. Rules and regulations

35191. The commissioner may fix and revise the maximum rental charged tenants of the housing accommodations rented by a corporation, determined upon the basis of the actual cost of the project so that the rentals, with all other income of the corporation, will be sufficient to meet all fixed charges, interest requirements, and other charges of the corporation approved by the commissioner. Powers of commissioner:  
Fixing rentals

35192. The commissioner may determine and fix the price, terms of payment, rate of interest on deferred payments, and all other charges of properties offered for sale or sold. Fixing price, etc.

35193. The commissioner may examine all corporations and keep informed as to their general condition and the manner in which their property is acquired, constructed, leased, sold, operated, or managed. Examination

35194. The commissioner may investigate into the affairs of a corporation and its dealings, transactions, or relationships with other persons. Investigation

35195. Either through his deputies or representatives, the commissioner may enter upon and inspect the property, equipment, buildings, plants, offices, apparatus, and devices of any corporation, and examine its books, contracts, records, documents, and papers. Inspection

35196. The commissioner may prescribe uniform methods and forms of keeping accounts, records, and books to be observed by a corporation and prescribe by order accounts in which particular outlays and receipts shall be entered, charged, or credited. Accounting, etc., methods

35197. The commissioner may require every corporation to file with him periodic reports setting forth the information he requires, verified by the oath of the president, general manager, receiver, or person required to file it. The report shall be in the form, cover the period, and be filed at the time prescribed by the commissioner. The commissioner may further require specific answers to questions upon which he desires information. Reports

35198. The commissioner may order a corporation to make at its expense repairs and improvements which will preserve or promote the health and safety of the occupants of buildings owned or operated by it. Repairs, etc.

35199. The commissioner may order a corporation to do acts necessary to comply with, or to refrain from doing acts in violation of, law, regulations adopted by the commissioner, or the terms of any project approved by the commissioner. Compliance with laws, etc.

35200. The commissioner may immediately take possession of the property and business of a corporation and retain Procedure on violation of laws, etc.

possession until it resumes business or its affairs are finally liquidated if any of the following events occur:

(a) When it appears to the commissioner that the corporation has violated its articles of incorporation or any state law or is conducting its business in an unsafe or unsound manner.

(b) The corporation refuses to submit its books and papers to the inspection of the commissioner or his authorized representative.

(c) If it appears to the commissioner that the corporation is unsound or in an unsafe condition to transact the business for which it was organized, or that it is unsafe and inexpedient for it to continue to conduct its business.

Powers of  
commissioner

35201. If the commissioner takes possession of the property and business of any corporation he has the same powers and duties with respect to it as are conferred upon the Superintendent of Banks with respect to banking institutions by the Banking Code and the commissioner may liquidate the corporation pursuant to the Banking Code so far as it is applicable.

Enforcement  
of provisions,  
etc.

35202. The commissioner may bring a proceeding against the corporation to enforce the provisions of this chapter or of any order, permit, license, demand, or requirement of the commissioner, to restrain their violation or threatened violation, or to compel the performance of any act required by them. The proceeding shall be brought in the name of the people of the State of California, in the superior court of the county in which the corporation has its principal place of business.

Review

35203. Every order, decision, permit, or other official act of the commissioner is subject to review pursuant to law within 20 days after its rendering.

The burden of proof lies upon the appellant, and the court shall receive and consider any pertinent oral or documentary evidence concerning the action of the commissioner under review. The court shall consider and determine only the question of whether there has been an abuse of discretion by the commissioner.

Fees

35204. The commissioner may charge and collect from a corporation reasonable fees in accordance with rates established by the regulations of the commissioner:

(a) For the examination of plans and specifications and the supervision of any project, in an amount not to exceed one-half of 1 percent of the estimated cost of the project.

(b) For any investigation made upon application of a corporation for any act done by the commissioner or his employees, in performance of their duties under this chapter, an amount reasonably calculated to meet the expenses of the commissioner incurred in the investigation. The commissioner may authorize a corporation to include such fees as part of the actual cost of a project.

Foreclosure  
proceedings

35205. If a mortgagee, trustee, or beneficiary commences foreclosure proceedings under a mortgage or deed of trust which is a lien upon corporation property, a copy of the complaint or notice of breach and intention to sell shall be served upon the

commissioner within five days of the filing of the complaint or the recording of the notice. Upon receipt of the copy, the commissioner shall immediately take such steps as he deems necessary to protect the rights of all parties.

35206. In the event of a judgment against a corporation in any action not pertaining to the collection of an indebtedness secured by mortgage or deed of trust, sale of any of the real property of such corporation shall not be made except upon 60 days' written notice to the commissioner. Upon receipt of the notice the commissioner shall take such steps as in his judgment are necessary to protect the rights of all parties.

Judgment  
against  
corporation

### Article 5. Financial Provisions

35230. The provisions of the Corporate Securities Law not inconsistent with this chapter apply to corporations formed under this chapter.

Corp. C.,  
§25000, ff.

35231. A corporation shall not:

Issuance of  
securities:  
Limitations

(a) Issue securities covering any project undertaken in an aggregate amount greater than the actual cost of the project, plus an allowance for working capital, not exceeding 5 percent of the estimated cost of the project or of the actual cost, if greater than the estimated cost.

(b) Issue securities except in exchange for money or property actually received for the use and lawful purpose of the corporation. No securities shall be issued for property except upon a valuation approved by the commissioner, and such valuation shall be used in computing actual or estimated costs.

35232. Each authorized issue of securities shall relate to one specific project and may be secured by mortgages or deeds of trust upon the real property of which the project consists, except where units of the project are to be offered for sale the securities may be issued in an amount to cover each individual unit of sale or to cover the entire project intended to be sold.

Restrictions

35233. Bonds, mortgages, or deeds of trust may contain provisions approved by the commissioner, including the right to assignment of rentals and entry into possession in case of default.

Permissive  
provisions

35234. Mortgages or trust deeds may create a first lien and a second lien upon real property.

Lien

35235. A corporation shall not conduct its operations for the profit of the corporation or its members, nor shall any corporation enter into any selling agency agreement intended to divert, or which diverts to its members or to third persons any portion of the profits accruing to the corporation.

Profit  
precluded

35236. The amount of net earnings transferable to surplus in any year, after making or providing for the payment of all fixed charges, interest requirements, and other charges is subject to the approval of the commissioner. The aggregate amount of such surplus shall not exceed 15 percent of the total sum of all contributions by the public, subscriptions, dues, fees,

Net earn-  
ings, surplus



and assessments paid by members, plus the outstanding obligations of the corporation. Unless the commissioner deems it too small, the balance of yearly net earnings in excess of the amount transferred to surplus shall be applied to the reduction of rentals on rental properties, the improvement of properties for sale, or the reduction of the sale price of such property, as the commissioner prescribes.

Payment  
to member:  
Limit

35237. A member of a corporation shall not accept or receive from the corporation, either during its existence as a corporation or upon its liquidation or dissolution, any repayment of any sum in excess of his subscription, contribution, fees, dues, or assessments.

## DIVISION 30. REPEALS

40000. The following sections of the Penal Code are hereby repealed: Repeals:  
Penal Code

290	374a	384	601
291	375	385	649
293	375a	394	719
295	377	396a	720
297	377a	401a	1510.1
349	377b	402e	
368	377c	402h	
374	378	573	

40001. The following sections of the Political Code are hereby repealed: Repeals:  
Political  
Code

372	3007	3046	3106
372a	3008	3047	3107
372b	3009	3048	3108
372c	3010	3049	3109
372d	3011	3060	3110
372e	3012	3061	3111
372f	3023	3062	3335
372g	3024	3063	3336
2978	3025	3064	3337
2979	3026	3074	3338
2979a	3027	3075	3339
2979b	3029	3076	3340
2979d	3030	3077	3341
2979e	3031	3078	3342
2980	3033	3080	3343
2981	3034	3081	4041.15
2982	3035	3082	4041d
2982a	3042	3083	4041k
2984	3043	3084	4225
3005	3044	3093	4225b
3006	3045	3105	

Repeals:  
General laws

40002. The following acts and portions of acts, together with all acts amendatory thereof and supplementary thereto, are hereby repealed:

Year	Ch.	Pg.	Sec.	Year	Ch.	Pg.	Sec.
1852:	129:	205	All	1873-4:	370:	530	All
1853:	22:	35	All	1873-4:	397:	569	All
1853:	42:	59	All	1873-4:	460:	691	All
1854:	8:	20	All	1873-4:	552:	788	All
1854:	37:	42	All	1873-4:	639:	886	All
1858:	57:	41	All	1873-4:	676:	942	All
1858:	180:	133	All	1875-6:	72:	47	All
1859:	78:	59	All	1875-6:	232:	305	All
1859:	321:	358	All	1875-6:	234:	310	All
1861:	69:	55	All	1875-6:	271:	360	All
1861:	71:	57	All	1875-6:	303:	398	All
1861:	133:	123	All	1875-6:	401:	567	All
1861:	168:	167	All	1875-6:	433:	610	All
1861:	234:	238	All	1875-6:	496:	759	All
1861:	243:	248	All	1875-6:	583:	865	All
1861:	388:	408	All	1875-6:	601:	896	All
1861:	517:	585	All	1875-6:	647:	866	All
1862:	18:	11	All	1877-8:	83:	104	All
1862:	127:	114	All	1877-8:	178:	214	All
1862:	149:	140	All	1877-8:	304:	383	All
1862:	168:	166	All	1877-8:	374:	558	All
1862:	340:	465	All	1877-8:	325:	436	All
1862:	341:	466	All	1877-8:	446:	685	All
1862:	342:	466	All	1877-8:	513:	796	All
1863:	26:	26	All	1877-8:	594:	943	All
1863:	473:	742	All	1877-8:	648:	999	All
1863-4:	248:	256	All	1877-8:	673:	1050	All
1865-6:	98:	79	All	1880:	66:	61	All
1865-6:	156:	138	All	1881:	36:	26	All
1865-6:	180:	161	All	1881:	67:	76	All
1865-6:	250:	276	All	1883:	77:	366	All
1865-6:	303:	337	All	1883:	90:	376	All
1865-6:	424:	533	All	1885:	14:	12	All
1865-6:	450:	583	All	1885:	21:	25	All
1867-8:	26:	26	All	1887:	22:	18	All
1869-70:	228:	329	All	1887:	95:	110	All
1869-70:	490:	716	All	1891:	148:	209	All
1871-2:	236:	339	All	1891:	161:	223	All
1871-2:	388:	542	All	1893:	163:	189	All
1871-2:	398:	553	All	1893:	190:	234	All
1871-2:	428:	625	All	1895:	39:	45	All
1871-2:	485:	715	All	1895:	115:	107	All
1871-2:	529:	765	All	1899:	66:	81	All
1871-2:	578:	855	All	1903:	218:	255	All
1871-2:	530:	766	All	1903:	232:	283	All
1873-4:	177:	240	All	1903:	236:	289	All
1873-4:	327:	474	All	1903:	239:	317	All



Year	Ch.	Pg.	Sec.	Year	Ch.	Pg.	Sec.	Repeals
1905:	119:	115	All	1923:	250:	498	All	
1905:	223:	209	All	1925:	275:	459	All	
1907:	458:	846	All	1925:	314:	532	All	
1907:	492:	893	All	1925:	316:	536	All	
1909:	164:	261	All	1927:	213:	380	All	
1909:	204:	311	All	1927:	254:	465	All	
1909:	242:	368	All	1927:	282:	502	All	
1909:	347:	576	All	1927:	623:	1049	All	
1909:	591:	899	All	1927:	642:	1088	All	
1909:	646:	978	All	1927:	644:	1093	All	
1909:	673:	1011	All	1927:	880:	1924	All	
1911:	23:	40	All	1929:	140:	258		17, 18, 19, 20.
1911:	213:	391	All	1929:	180:	331	All	
1911:	300:	494	All	1929:	181:	333	All	
1911:	375:	685	All	1929:	188:	341	All	
1911:	455:	904	All	1929:	216:	380	All	
1911:	692:	1350	All	1929:	221:	413	All	
1913:	81:	86	All	1929:	416:	738	All	
1913:	369:	783	All	1929:	432:	752	All	
1913:	391:	843	All	1929:	457:	819	All	
1913:	422:	868	All	1931:	56:	50	All	
1915:	337:	502	All	1931:	168:	238	All	
1915:	378:	575	All	1931:	214:	383	All	
1915:	478:	800	All	1931:	580:	1263	All	
1915:	584:	1011	All	1931:	734:	1523	All	
1915:	766:	1530	All	1931:	425:	972	All	
1917:	63:	70	All	1931:	892:	1906	All	
1917:	228:	432	All	1931:	1148:	2434	All	
1917:	560:	774	All	1933:	90:	534	All	
1917:	571:	791	All	1933:	331:	909	All	
1917:	744:	1517	All	1933:	601:	1531	All	
1917:	745:	1518	All	1933:	607:	1549		1, 2, 3, 5, 6, 7
1917:	792:	1661	All	1933:	756:	1980		1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15
1919:	480:	942	All					
1919:	583:	1234	All					
1921:	304:	413	All					
1921:	412:	605	All					
1921:	652:	1103	All	1933:	802:	2128	All	
1923:	65:	132	All	1933:	894:	2305	All	
1923:	171:	393	All	1933:	1033:	2631	All	
1923:	188:	429		1935:	20:	79	All	
1923:	191:	431	All	1935:	377:	1329	All	
1923:	312:	646	All	1937:	351:	762	All	
1923:	386:	781	All	1937:	530:	1539	All	

Repeal 40003. Section 2979c of the Political Code is hereby repealed.

(Added by Stats. 1939, Ch. 102, as part of codification.)

Repeal 40004. Section 5 of an act entitled "An act to create the office of State Fire Marshal, to provide for his powers and duties, and to repeal all acts or parts of acts inconsistent herewith," approved May 23, 1923, is hereby repealed.

(Added by Stats. 1939, Ch. 105, as part of codification.)

Repeal 40005. Section 4 of an act entitled "An act to provide for the inspection, quarantine and registration of aviaries and other places where shell parakeets are sold, offered for sale, trade or barter; and to provide for the inspection of all birds which may be kept in such places; to declare the urgency thereof and provide that this act shall take effect immediately," approved May 26, 1933, is hereby repealed.

(Added by Stats. 1939, Ch. 104, as part of codification.)

Repeal 40006. An act entitled "An act relating to a convalescent colony and empowering the Department of Finance to accept land or contributions for the convalescent colony upon recommendation of the convalescent colony board, creating a convalescent colony board, and providing for the disposition and expenditure of moneys in connection with said convalescent colony," approved May 29, 1931, is hereby repealed.

(Added by Stats. 1939, Ch. 106, as part of codification.)

Repeal 40007. Section 10 of an act entitled "An act defining clinics and dispensaries, providing for the operation, conduct, maintenance, examination and regulation thereof, requiring permits therefor, providing for the issuance and revocation of such permits by the State Board of Public Health, fixing the amount of and providing for the collection and disposition of annual fees for such permits, creating the clinic and dispensary fund, prescribing the powers and duties of the State Board of Public Health and of the Director of Public Health in reference to such clinics and dispensaries, and prescribing penalties for the violation of the provisions of this act," approved June 5, 1933, is hereby repealed.

(Added by Stats. 1939, Ch. 103, as part of codification.)

Repeal: Stats. 1907, p. 230 40008. An act entitled "An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1939, Ch. 730.)

Repeal 40009. An act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof" approved March 6, 1907, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1947, Ch. 199.)

40010. Section 347a of the Penal Code is repealed.

Repeal

(Added by Stats. 1947, Ch. 199.)

40011. An act entitled "An act relating to the care and control of venereal diseases, granting other and further powers in relation thereto to the State Board of Public Health and its subordinate agencies, authorizing the acceptance of federal social security funds and making an appropriation therefor," approved July 1, 1937, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

Repeal

(Added by Stats. 1947, Ch. 765.)

40012. An act entitled "An act providing for the protection of unborn children and the public health by requiring examinations of pregnant or recently delivered women for syphilis, providing penalties for the violation of the provisions thereof, and providing an appropriation for the administration of the act," approved May 9, 1939, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

Repeal

(Added by Stats. 1947, Ch. 705.)

40013. An act entitled "An act relating to cold storage, the regulation of refrigerating warehouses, the disposition or sale of food kept or preserved therein, and defining the duties of the State Board of Health in relation thereto," approved June 13, 1913, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

Repeal

(Added by Stats. 1947, Ch. 763.)

40014. An act entitled "An act regulating the sanitary conditions of bakeries, prescribing conditions connected with the manufacture and sale of bakery products and fixing penalties for violation of the provisions thereof," approved June 2, 1921, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

Repeal

(Added by Stats. 1947, Ch. 766.)

40015. An act entitled "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the use of sealed containers and providing for the sterilization of bottles, receptacles and containers used for foods, drugs and liquors; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; providing for the licensing of premises upon which walnuts are shelled or otherwise prepared and for the inspection of such premises and prohibiting the purchase, acquisition or receiving of walnuts shelled or prepared other than on licensed premises; providing for license fees; providing for producer exemption and empowering the California State Board of Public Health to make rules and

Repeal



regulations, and providing for the keeping of records; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1909, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1947, Ch. 762.)

Repeal

40016. An act entitled "An act to regulate the conduct of canneries, to create a division of cannery inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the State Board of Health," approved May 23, 1925, and all acts and parts of acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1947, Ch. 764.)

Repeal

40017. An act entitled "An act to regulate, and to prohibit fraud and deception in, the sale of olive oil, imitation olive oil, and other edible oils, to repeal and act entitled 'An act to regulate the sale of imitation olive oil, and to repeal an act entitled "An act to regulate the sale of olive oil," approved March 10, 1891,' approved March 23, 1893, declaring the urgency of this act, to take effect immediately," approved May 26, 1943, and all acts and parts of acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1947, Ch. 710.)

Repeal

40018. An act entitled "An act to prevent the sale and use of sulphur containing material quantities of arsenic for the purpose of sulphuring fruits or other foods; to provide a standard for sulphur for sulphuring fruits or other foods, and to provide penalties for the violation of the provisions hereof," approved May 2, 1919, and all acts and parts of acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1947, Ch. 709.)

Repeal

40019. An act entitled "An act to provide state assistance of local agencies for the control of mosquitoes, and making an appropriation therefor, to take effect immediately," approved March 4, 1946, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1947, Ch. 704.)

Repeal

40020. An act entitled "An act to prevent the supply of water dangerous to health for domestic purposes and to provide for the installation of sanitary water systems," approved June 13, 1913, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1947, Ch. 992.)

Repeals

40021. The following acts are hereby repealed:

1933:538:1426

1933:560:1465

1938 (1st Ex. Sess.) :2:2

1938 (1st Ex. Sess.) :4:9

1945:1326:2478

(Added by Stats. 1951, Ch. 710.)

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